

Union Calendar No. 109

118TH CONGRESS }
1st Session

HOUSE OF REPRESENTATIVES

{ REPORT
118-138

SECURING GROWTH AND ROBUST
LEADERSHIP IN AMERICAN AVIATION ACT

R E P O R T

OF THE

COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE

TO ACCOMPANY

H.R. 3935



JULY 11, 2023.—Committed to the Committee of the Whole House on
the state of the Union and ordered to be printed

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Mr. GRAVES of Missouri, from the Committee on Transportation
 and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 3935]

The Committee on Transportation and Infrastructure, to whom
 was referred the bill (H.R. 3935) to amend title 49, United States
 Code, to reauthorize and improve the Federal Aviation Administra-
 tion and other civil aviation programs, and for other purposes, hav-
 ing considered the same, reports favorably thereon with an amend-
 ment and recommends that the bill as amended do pass.

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The amendment is as follows:
 Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Securing Growth and Robust Leadership in American Aviation Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATIONS AND FAA ORGANIZATIONAL REFORM

Subtitle A—Authorizations

- Sec. 101. Airport planning and development and noise compatibility planning and programs.
- Sec. 102. Facilities and equipment.
- Sec. 103. Operations.
- Sec. 104. Extension of miscellaneous expiring authorities.

Subtitle B—FAA Organizational Reform

- Sec. 121. FAA leadership.
- Sec. 122. FAA management board.
- Sec. 123. Prohibition on conflicting pecuniary interests.
- Sec. 124. Authority of Secretary and Administrator.
- Sec. 125. Review of FAA rulemaking processes.
- Sec. 126. Office of Innovation.
- Sec. 127. Frank A. LoBiondo National Aerospace Safety and Security Campus.
- Sec. 128. Technical Center for Advanced Aerospace.
- Sec. 129. Office of NextGen sunset.
- Sec. 130. FAA Ombudsman.
- Sec. 131. Project dashboards and feedback portal.
- Sec. 132. Sense of Congress on FAA engagement during rulemaking activities.
- Sec. 133. Civil Aeromedical Institute.
- Sec. 134. Management advisory council.
- Sec. 135. Aviation noise officer.
- Sec. 136. Chief Operating Officer.
- Sec. 137. Report on unfunded capital investment needs of air traffic control system.
- Sec. 138. Chief Technology Officer.
- Sec. 139. Definition of air traffic control system.
- Sec. 140. Peer review of Office of Whistleblower Protection and Aviation Safety Investigations.
- Sec. 141. Cybersecurity lead.
- Sec. 142. Reducing FAA waste, inefficiency, and unnecessary responsibilities.

TITLE II—GENERAL AVIATION

Subtitle A—Expanding Pilot Privileges and Protections

- Sec. 201. Reexamination of pilots or certificate holders.
- Sec. 202. GAO review of Pilot’s Bill of Rights.
- Sec. 203. Expansion of BasicMed.
- Sec. 204. Data privacy.
- Sec. 205. Prohibition on using ADS-B data to initiate an investigation.
- Sec. 206. Prohibition on N-Number profiteering.
- Sec. 207. Accountability for aircraft registration numbers.
- Sec. 208. Timely resolution of investigations.
- Sec. 209. Expansion of volunteer pilot organization definition.
- Sec. 210. Charitable flight fuel reimbursement exemptions.
- Sec. 211. GAO report on charitable flights.
- Sec. 212. All makes and models authorization.
- Sec. 213. Response to letter of investigation.

Subtitle B—General Aviation Safety

- Sec. 221. ADS-B safety enhancement incentive program.
- Sec. 222. GAO report on ADS-B technology.
- Sec. 223. Protecting general aviation airports from FAA closure.
- Sec. 224. Ensuring safe landings during off-airport operations.
- Sec. 225. Airport diagram terminology.
- Sec. 226. Alternative ADS-B technologies for use in certain small aircraft.
- Sec. 227. Airshow safety team.
- Sec. 228. Tower marking notice of proposed rulemaking.

Subtitle C—Improving FAA Services

- Sec. 241. Aircraft registration validity during renewal.
- Sec. 242. Temporary airman certificates.
- Sec. 243. Flight instruction or testing.
- Sec. 244. Letter of deviation authority.
- Sec. 245. National coordination and oversight of designated pilot examiners.
- Sec. 246. BasicMed for examiners administering tests or proficiency checks.
- Sec. 247. Designee locator tool improvements.
- Sec. 248. Deadline to eliminate aircraft registration backlog.
- Sec. 249. Part 135 air carrier certificate backlog.

- Sec. 250. Logging flight time accrued in certain public aircraft.
- Sec. 251. Flight instructor certificates.
- Sec. 252. Consistency of policy application in flight standards and aircraft certification.
- Sec. 253. Application of policies, orders, and guidance.
- Sec. 254. Expansion of the regulatory consistency communications board.
- Sec. 255. Exemption of fees for air traffic services.
- Sec. 256. Modernization of special airworthiness certification rulemaking deadline.
- Sec. 257. Termination of designees.
- Sec. 258. Part 135 check airmen reforms.

Subtitle D—Other Provisions

- Sec. 261. Required consultation with National Parks Overflights Advisory Group.
- Sec. 262. Supplemental oxygen regulatory reform.
- Sec. 263. Exclusion of gyroplanes from fuel system requirements.
- Sec. 264. Airshow venue information, awareness, training, and education program.
- Sec. 265. Low altitude rotorcraft and powered-lift operations.
- Sec. 266. BasicMed in North America.
- Sec. 267. Eliminate aviation gasoline lead emissions.

TITLE III—AEROSPACE WORKFORCE

Subtitle A—Growing the Talent Pool

- Sec. 301. Extension of aviation workforce development programs.
- Sec. 302. Improving aviation workforce development programs.
- Sec. 303. National Center for the Advancement of Aerospace.
- Sec. 304. Cooperative Aviation Recruitment, Enrichment, and Employment Readiness Program.
- Sec. 305. Repeal of duplicative or obsolete workforce programs.
- Sec. 306. Civil airmen statistics.
- Sec. 307. Bessie Coleman Women in Aviation Advisory Committee.
- Sec. 308. Establishing a comprehensive web-based aviation resource center.
- Sec. 309. Direct hire authority from UAS Collegiate Training Initiative.

Subtitle B—Improving Training and Rebuilding Talent Pipelines

- Sec. 311. Joint aviation employment training working group.
- Sec. 312. Airman knowledge testing working group.
- Sec. 313. Airman Certification System Working Group and timely publication of standards.
- Sec. 314. Air traffic control workforce staffing.
- Sec. 315. Aviation safety workforce assessment.
- Sec. 316. Military aviation maintenance.

Subtitle C—Engaging and Retaining the Workforce

- Sec. 321. Airman's medical bill of rights.
- Sec. 322. Improved designee misconduct reporting process.
- Sec. 323. Report on safe uniform options for certain aviation employees.
- Sec. 324. Extension of Samya Rose Stumo national air grant fellowship program.
- Sec. 325. Promotion of civil aeronautics and safety of air commerce.
- Sec. 326. Educational and professional development.
- Sec. 327. Human factors professionals.
- Sec. 328. Aeromedical innovation and modernization working group.
- Sec. 329. Frontline manager workload study.
- Sec. 330. Age standards for pilots.

TITLE IV—AIRPORT INFRASTRUCTURE

Subtitle A—Airport Improvement Program Modifications

- Sec. 401. AIP definitions.
- Sec. 402. Revenue diversion penalty enhancement.
- Sec. 403. Extension of competitive access report requirement.
- Sec. 404. Renewal of certain leases.
- Sec. 405. Community use of airport land.
- Sec. 406. Price adjustment provisions.
- Sec. 407. Allowable project costs and letters of intent.
- Sec. 408. Small airport letters of intent.
- Sec. 409. Prohibition on use of AIP funds to procure certain passenger boarding bridges.
- Sec. 410. Fuel infrastructure.
- Sec. 411. Apportionments.
- Sec. 412. PFC turnback reduction.
- Sec. 413. Transfer of AIP supplemental funds to formula program.
- Sec. 414. Small airport fund.
- Sec. 415. Revision of discretionary categories.
- Sec. 416. Terminal development.
- Sec. 417. State block grant program.
- Sec. 418. Innovative financing techniques.
- Sec. 419. Long-term management plans.
- Sec. 420. Alternative project delivery.
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- Sec. 422. Repeal of obsolete criminal provisions.
- Sec. 423. Limitation on certain rolling stock procurements.
- Sec. 424. Regulatory application.
- Sec. 425. National priority system formulas.
- Sec. 426. Minority and disadvantaged business participation.
- Sec. 427. Airport access roads in remote locations.
- Sec. 428. Limited regulation of nonfederally sponsored property.
- Sec. 429. Motorcoach enplanement pilot program.
- Sec. 430. Populous counties without airports.
- Sec. 431. Continued availability of aviation gasoline.
- Sec. 432. AIP handbook update.
- Sec. 433. GAO audit of airport financial reporting program.
- Sec. 434. GAO review of nonaeronautical revenue streams at airports.

Sec. 435. Maintaining safe fire and rescue staffing levels.
 Sec. 436. GAO study of onsite airport generation.
 Sec. 437. Transportation demand management at airports.
 Sec. 438. Coastal airports assessment.
 Sec. 439. Airport investment partnership program.
 Sec. 440. GAO study on per-trip airport fees for TNC consumers.
 Sec. 441. Special rule for reclassification of certain unclassified airports.
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Subtitle C—Noise and Environmental Programs and Streamlining

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 Sec. 480. Updating presumed to conform limits.
 Sec. 481. Recommendations on reducing rotorcraft noise in District of Columbia.
 Sec. 482. UFP study.
 Sec. 483. Aviation and airport community engagement.
 Sec. 484. Community Collaboration Program.
 Sec. 485. Third party study on aviation noise metrics.
 Sec. 486. Information sharing requirement.

TITLE V—AVIATION SAFETY

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 Sec. 502. Global aviation safety.
 Sec. 503. Availability of personnel for inspections, site visits, and training.
 Sec. 504. Helicopter air ambulance operations.
 Sec. 505. Global aircraft maintenance safety improvements.
 Sec. 506. ODA best practice sharing.
 Sec. 507. Training of organization delegation authority unit members.
 Sec. 508. Clarification on safety management system information disclosure.
 Sec. 509. Extension of Aircraft Certification, Safety, and Accountability Act reporting requirements.
 Sec. 510. Don Young Alaska Aviation Safety Initiative.
 Sec. 511. Continued oversight of FAA compliance program.
 Sec. 512. Scalability of safety management systems.
 Sec. 513. Finalize safety management system rulemaking.
 Sec. 514. Improvements to aviation safety information analysis and sharing.
 Sec. 515. Improvement of certification processes.
 Sec. 516. Instructions for continued airworthiness aviation rulemaking committee.
 Sec. 517. Clarity for supplemental type certificate requirements.
 Sec. 518. Use of advanced tools in certifying aerospace products.
 Sec. 519. Transport airplane and propulsion certification modernization.
 Sec. 520. Engine fire protection standards.
 Sec. 521. Risk model for production facility inspections.
 Sec. 522. Secondary cockpit barriers.
 Sec. 523. Review of FAA use of aerospace safety data.
 Sec. 524. Part 135 duty and rest.
 Sec. 525. Cockpit voice and video recorders.
 Sec. 526. Flight data recovery from overwater operations.
 Sec. 527. Emergency medical equipment on passenger aircraft.
 Sec. 528. Navigation aids study.
 Sec. 529. Remote towers.
 Sec. 530. Weather reporting systems study.
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 Sec. 532. Study on aviation safety in era of wireless connectivity.
 Sec. 533. Ramp worker safety call to action.
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 Sec. 535. Crash-resistant fuel systems in rotorcraft.
 Sec. 536. Reducing turbulence on part 121 aircraft operations.
 Sec. 537. Study on radiation exposure.
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 Sec. 539. Cabin temperature standards.
 Sec. 540. Cabin air quality.
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 Sec. 542. Lithium-ion powered wheelchairs.
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 Sec. 544. GAO study on FAA National Simulator Program.
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Subtitle B—Aviation Cybersecurity

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 Sec. 572. Aerospace product safety.

- Sec. 573. Federal Aviation Administration regulations, policy, and guidance.
- Sec. 574. Civil aviation cybersecurity rulemaking committee.

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- Sec. 601. Definitions.
- Sec. 602. Unmanned aircraft system test ranges.
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- Sec. 608. Applications for designation.
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- Sec. 610. UAS traffic management.
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- Sec. 619. Pilot program for UAS inspections of FAA infrastructure.
- Sec. 620. Drone infrastructure inspection grant program.
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- Sec. 624. Termination of Advanced Aviation Advisory Committee.
- Sec. 625. Unmanned and Autonomous Flight Advisory Committee.
- Sec. 626. NextGen Advisory Committee membership expansion.
- Sec. 627. Temporary flight restriction integrity.
- Sec. 628. Interagency coordination.
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- Sec. 630. UAS operations over high seas.
- Sec. 631. Beyond BEYOND.
- Sec. 632. UAS integration strategy.
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- Sec. 634. Public aircraft definition.

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- Sec. 653. Powered-lift aircraft entry into service.
- Sec. 654. Sense of Congress on preparation for entry into service of powered-lift aircraft.
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- Sec. 681. Report on national spaceports policy.
- Sec. 682. Intermodal transportation infrastructure improvement pilot program.
- Sec. 683. Airspace access for high-speed aircraft.
- Sec. 684. ICAO activities on new technologies.
- Sec. 685. AIP eligibility for certain spaceport infrastructure.
- Sec. 686. Commercial space transportation statistics.
- Sec. 687. Report on certain infrastructure needs.
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- Sec. 703. Codification of consumer protection provisions.
- Sec. 704. Extension of aviation consumer protection advisory committee.
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- Sec. 708. Passenger experience advisory committee.
- Sec. 709. Streamlining of offline ticket disclosures.
- Sec. 710. Ticket agent refund obligations.
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- Sec. 715. Accessibility of websites, software applications, and kiosks for individuals with disabilities.
- Sec. 716. Review of methods to report flight delay and cancellation statistics.
- Sec. 717. Reimbursement for incurred costs.
- Sec. 718. Airline operational resiliency plans.
- Sec. 719. Family seating.
- Sec. 720. Seat dimensions.
- Sec. 721. Improved training standards for assisting passengers who use wheelchairs.
- Sec. 722. Training standards for stowage of wheelchairs and scooters.
- Sec. 723. Investigation of complaints.
- Sec. 724. Standards.

Subtitle B—Air Traffic

- Sec. 741. Transfers of air traffic systems acquired with AIP.
- Sec. 742. NextGen programs.
- Sec. 743. Airspace access.
- Sec. 744. Airspace transition completion.
- Sec. 745. FAA contract towers.
- Sec. 746. FAA contract tower workforce audit.
- Sec. 747. Aviation infrastructure sustainment.
- Sec. 748. Air traffic control tower safety.
- Sec. 749. Air traffic services data reports.
- Sec. 750. Consideration of small hub control towers.
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- Sec. 772. Essential air service authorization.
- Sec. 773. Small community air service development program reform and authorization.
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- Sec. 801. Digitalization of FAA processes.
- Sec. 802. FAA telework.
- Sec. 803. Review of office space.
- Sec. 804. Aircraft weight reduction task force.
- Sec. 805. Audit of technical writing resources and capabilities.
- Sec. 806. FAA participation in industry standards organizations.
- Sec. 807. Sense of Congress on use of voluntary consensus standards.
- Sec. 808. Required designation.
- Sec. 809. Sensitive security information.
- Sec. 810. Preserving open skies while ensuring fair skies.
- Sec. 811. Commercial preference.
- Sec. 812. Consideration of third-party services.
- Sec. 813. Certificates of authorization or waiver.
- Sec. 814. Wing-in-ground-effect craft.
- Sec. 815. Quasiquicentennial of aviation.
- Sec. 816. Federal contract tower wage determinations and positions.
- Sec. 817. Internal process improvements review.
- Sec. 818. Acceptance of digital driver's license and identification cards.
- Sec. 819. Buckeye 940 release of deed restrictions.
- Sec. 820. Federal Aviation Administration information technology system integrity.
- Sec. 821. Briefing on radio communications coverage around mountainous terrain.
- Sec. 822. Study on congested airspace.
- Sec. 823. Administrative services franchise fund.
- Sec. 824. Use of biographical assessments.
- Sec. 825. Whistleblower protection enforcement.
- Sec. 826. Final rulemaking on certain manufacturing standards.
- Sec. 827. Remote dispatch.
- Sec. 828. Employee assault prevention and response plans amendment.
- Sec. 829. Crew member self-defense training.
- Sec. 830. Formal sexual assault and harassment policies on air carriers and foreign air carriers.
- Sec. 831. Interference with security screening personnel.
- Sec. 832. Mechanisms to reduce helicopter noise.
- Sec. 833. Technical corrections.
- Sec. 834. Transportation of organs.
- Sec. 835. Report on application approval timing.
- Sec. 836. Study on air cargo operations.
- Sec. 837. Next generation radio altimeters.
- Sec. 838. Sense of Congress regarding safety and security of aviation infrastructure.
- Sec. 839. Restricted category aircraft maintenance and operations.
- Sec. 840. Report on telework.
- Sec. 841. Crewmember pumping guidance.
- Sec. 842. Aircraft interchange agreement limitations.
- Sec. 843. Federal Aviation Administration Academy and facility expansion plan.

TITLE IX—NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS ACT OF 2023

- Sec. 901. Short title.
- Sec. 902. Authorization of appropriations.
- Sec. 903. Clarification of treatment of territories.
- Sec. 904. Additional workforce training.
- Sec. 905. Acquiring mission-essential knowledge and skills.
- Sec. 906. Overtime annual report termination.
- Sec. 907. Strategic workforce plan.
- Sec. 908. Travel budgets.
- Sec. 909. Retention of records.
- Sec. 910. Nondisclosure of interview recordings.
- Sec. 911. Closed unacceptable recommendations.
- Sec. 912. Establishment of Office of Oversight, Accountability, and Quality Assurance.
- Sec. 913. Miscellaneous investigative authorities.
- Sec. 914. Public availability of accident reports.
- Sec. 915. Ensuring accountability for timeliness of reports.
- Sec. 916. Ensuring access to data.
- Sec. 917. Public availability of safety recommendations.
- Sec. 918. Improving delivery of family assistance.
- Sec. 919. Updating civil penalty authority.
- Sec. 920. Electronic availability of public docket records.
- Sec. 921. Drug-free workplace.
- Sec. 922. Accessibility in workplace.
- Sec. 923. Most Wanted List.
- Sec. 924. Technical corrections.

TITLE X—FREEDOM TO FLY ACT OF 2023

- Sec. 1001. Short title.
 Sec. 1002. Prohibition on implementation of vaccination mandate.
 Sec. 1003. Prohibition on vaccination requirements for FAA contractors.
 Sec. 1004. Prohibition on vaccine mandate for FAA employees.
 Sec. 1005. Prohibition on vaccine mandate for passengers of air carriers.
 Sec. 1006. Prohibition on implementation of a mask mandate.
 Sec. 1007. Prohibition on mask mandates for FAA contractors.
 Sec. 1008. Prohibition on mask mandate for FAA employees.
 Sec. 1009. Prohibition on mask mandate for passengers of air carriers.
 Sec. 1010. Definitions.

TITLE I—AUTHORIZATIONS AND FAA ORGANIZATIONAL REFORM

Subtitle A—Authorizations

SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) AUTHORIZATION.—Section 48103(a) of title 49, United States Code, is amended—

- (1) in paragraph (5) by striking “and” at the end;
- (2) in paragraph (6) by striking the period at the end and inserting a semicolon; and
- (3) by adding at the end the following:
 - “(7) \$4,000,000,000 for fiscal year 2024;
 - “(8) \$4,000,000,000 for fiscal year 2025;
 - “(9) \$4,000,000,000 for fiscal year 2026;
 - “(10) \$4,000,000,000 for fiscal year 2027; and
 - “(11) \$4,000,000,000 for fiscal year 2028.”.

(b) OBLIGATION AUTHORITY.—Section 47104(c) of title 49, United States Code, is amended in the matter preceding paragraph (1) by striking “2023” and inserting “2028”.

SEC. 102. FACILITIES AND EQUIPMENT.

Section 48101(a) of title 49, United States Code, is amended—

- (1) by striking paragraphs (1) through (5);
- (2) by redesignating paragraph (6) as paragraph (1); and
- (3) by adding at the end the following:
 - “(2) \$3,375,000,000 for fiscal year 2024.
 - “(3) \$3,425,000,000 for fiscal year 2025.
 - “(4) \$3,475,000,000 for fiscal year 2026.
 - “(5) \$3,475,000,000 for fiscal year 2027.
 - “(6) \$3,475,000,000 for fiscal year 2028.”.

SEC. 103. OPERATIONS.

(a) IN GENERAL.—Section 106(k)(1) of title 49, United States Code, is amended—

- (1) by striking subparagraphs (A) through (E);
- (2) in subparagraph (F) by striking the period at the end and inserting a semicolon;
- (3) by redesignating subparagraph (F) as subparagraph (A); and
- (4) by adding at the end the following:
 - “(B) \$12,730,000,000 for fiscal year 2024;
 - “(C) \$13,035,000,000 for fiscal year 2025;
 - “(D) \$13,334,000,000 for fiscal year 2026;
 - “(E) \$13,640,000,000 for fiscal year 2027; and
 - “(F) \$13,954,000,000 for fiscal year 2028.”.

(b) AUTHORIZED EXPENDITURES.—Section 106(k)(2)(D) of title 49, United States Code, is amended—

- (1) by striking clauses (i) through (v);
- (2) by redesignating clause (vi) as clause (i); and
- (3) by adding at the end the following:
 - “(ii) \$46,815,000 for fiscal year 2024.
 - “(iii) \$52,985,000 for fiscal year 2025.
 - “(iv) \$59,044,000 for fiscal year 2026.
 - “(v) \$65,225,000 for fiscal year 2027.
 - “(vi) \$71,529,000 for fiscal year 2028.”.

(c) AUTHORITY TO TRANSFER FUNDS.—Section 106(k)(3) of title 49, United States Code, is amended—

(1) by striking “Notwithstanding” and inserting the following:

“(A) IN GENERAL.—Notwithstanding”;

(2) by striking “in each of fiscal years 2018 through 2023,”; and

(3) by adding at the end the following:

“(B) PRIORITIZATION.—In reducing non-safety-related activities of the Administration under subparagraph (A), the Secretary shall prioritize such reductions from amounts other than amounts authorized under this subsection, section 48101, or section 48103.

“(C) SUNSET.—This paragraph shall cease to be effective after September 30, 2028.”.

SEC. 104. EXTENSION OF MISCELLANEOUS EXPIRING AUTHORITIES.

(a) MARSHALL ISLANDS, MICRONESIA, AND PALAU.—Section 47115(i) of title 49, United States Code, is amended by striking “fiscal years 2018 through 2023” and inserting “fiscal years 2023 through 2028”.

(b) WEATHER REPORTING PROGRAMS.—Section 48105 of title 49, United States Code, is amended by adding at the end the following:

“(5) \$45,000,000 for each of fiscal years 2024 through 2026.

“(6) \$50,000,000 for each of fiscal years 2027 and 2028.”.

(c) MIDWAY ISLAND AIRPORT.—Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108–176) is amended by striking “for fiscal years 2018 through 2023” and inserting “for fiscal years 2023 through 2028”.

(d) EXTENSION OF THE SAFETY OVERSIGHT AND CERTIFICATION ADVISORY COMMITTEE.—Section 202(h) of the FAA Reauthorization Act of 2018 (Public Law 115–254) is amended by striking “shall terminate” and all that follows through the period at the end and inserting “shall terminate on October 1, 2028.”.

Subtitle B—FAA Organizational Reform

SEC. 121. FAA LEADERSHIP.

Section 106 of title 49, United States Code, is amended—

(1) in subsection (a) by striking “The Federal” and inserting “IN GENERAL.—The Federal”; and

(2) by striking subsection (b) and inserting the following:

“(b) ADMINISTRATION LEADERSHIP.—

“(1) ADMINISTRATOR.—

“(A) IN GENERAL.—The head of the Administration is the Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate.

“(B) QUALIFICATIONS.—The Administrator shall—

“(i) be a citizen of the United States;

“(ii) not be an active duty or retired member of an Armed Force; and

“(iii) have experience in organizational management and a field directly related to aviation.

“(C) FITNESS.—In appointing an individual as Administrator, the President shall consider the fitness of such individual to carry out efficiently the duties and powers of the office.

“(D) TERM OF OFFICE.—The Term of office for any individual appointed as Administrator shall be 5 years.

“(E) REPORTING CHAIN.—Except as provided in subsection (f) or in other provisions of law, the Administrator reports directly to the Secretary of Transportation.

“(2) DEPUTY ADMINISTRATOR FOR PROGRAMS AND MANAGEMENT.—

“(A) IN GENERAL.—The Administration has a Deputy Administrator for Programs and Management, who shall be a political appointee of the President.

“(B) QUALIFICATIONS.—The Deputy Administrator for Programs and Management shall—

“(i) be a citizen of the United States; and

“(ii) have experience in management and a field directly related to aviation.

“(C) FITNESS.—In appointing an individual as Deputy Administrator for Programs and Management, the President shall consider the fitness of the individual to carry out efficiently the duties and powers of the office, including the duty to act for the Administrator under the circumstances described in subparagraph (F).

“(D) REPORTING CHAIN.—The Deputy Administrator for Programs and Management reports directly to the Administrator.

“(E) DUTIES.—The Deputy Administrator for Programs and Management shall—

“(i) manage the Assistant Administrators and Chief Counsel established under subsection (d), except the Assistant Administrator for Rulemaking and Regulatory Improvement; and

“(ii) carry out duties and powers prescribed by the Administrator.

“(F) SUCCESSION PLAN.—The Deputy Administrator for Programs and Management acts for the Administrator when the Administrator is absent or unable to serve, or when the office of the Administrator is vacant.

“(G) COMPENSATION.—

“(i) ANNUAL RATE OF BASIC PAY.—The annual rate of basic pay of the Deputy Administrator for Programs and Management shall be set by the Secretary but shall not exceed the annual rate of basic pay payable to the Administrator.

“(ii) EXCEPTION.—A retired regular officer of an Armed Force serving as the Deputy Administrator for Programs and Management is entitled to hold a rank and grade not lower than that held when appointed as the Deputy Administrator for Programs and Management and may elect to receive—

“(I) the pay provided for the Deputy Administrator for Programs and Management under clause (i); or

“(II) the pay and allowances or the retired pay of the military grade held.

“(iii) REIMBURSEMENT OF EXPENSES.—If the Deputy Administrator for Programs and Management elects to receive compensation described in clause (ii)(II), the Administration shall reimburse the appropriate military department from funds available for the expenses of the Administration.

“(3) DEPUTY ADMINISTRATOR FOR SAFETY AND OPERATIONS.—

“(A) IN GENERAL.—The Administration has a Deputy Administrator for Safety and Operations, who—

“(i) shall be appointed by the Administrator; and

“(ii) shall not be a political appointee.

“(B) QUALIFICATIONS.—The Deputy Administrator for Safety and Operations shall—

“(i) be a citizen of the United States; and

“(ii) have experience in organizational management and a field directly related to aviation.

“(C) FITNESS.—In appointing an individual as Deputy Administrator for Safety and Operations, the Administrator shall consider the fitness of the individual to carry out efficiently the duties and powers of the office, including the duty to act for the Administrator under the circumstances described in subparagraph (F).

“(D) REPORTING CHAIN.—The Deputy Administrator for Safety and Operations reports to the Administrator.

“(E) DUTIES.—The Deputy Administrator for Safety and Operations shall—

“(i) manage the Associate Administrators and Chief Operating Officer established under subsection (c) and the Assistant Administrator for Rulemaking and Regulatory Improvement established under subsection (d);

“(ii) develop and maintain a long-term strategic plan of the Administration; and

“(iii) carry out other duties and powers prescribed by the Administrator.

“(F) SUCCESSION PLAN.—The Deputy Administrator for Safety and Operations acts for the Administrator when the Administrator and the Deputy Administrator for Programs and Management are absent or unable to serve, or when the office of the Administrator and the Office of the Deputy Administrator for Programs and Management are vacant.

“(G) COMPENSATION.—The annual rate of basic pay of the Deputy Administrator for Safety and Operations shall be set by the Administrator but shall not exceed the annual rate of basic pay payable to the Administrator.

“(4) LEADERSHIP OF THE ADMINISTRATION DEFINED.—In this section, the term ‘leadership of the Administration’ means—

“(A) the Administrator under paragraph (1);

“(B) the Deputy Administrator for Programs and Management under paragraph (2); and

“(C) the Deputy Administrator for Safety and Operations under paragraph (3).”.

SEC. 122. FAA MANAGEMENT BOARD.

(a) **FAA MANAGEMENT BOARD.**—Section 106 of title 49, United States Code, is amended by striking subsections (c) and (d) and inserting the following:

“(c) **ASSOCIATE ADMINISTRATORS.**—

“(1) **IN GENERAL.**—The Administration has Associate Administrators, as determined necessary by the Administrator, including—

“(A) appointed by the Administrator, an Associate Administrator for Aviation Safety, an Associate Administrator for Commercial Space Transportation, an Associate Administrator for Security and Hazardous Materials Safety, a Chief Operating Officer of the Air Traffic Control System; and

“(B) appointed by the President, an Associate Administrator for Airports.

“(2) **QUALIFICATIONS.**—Associate Administrators shall be citizens of the United States.

“(3) **DUTIES.**—The Associate Administrators shall carry out duties and powers of their office described in this section and those prescribed by the Administrator.

“(d) **CHIEF COUNSEL; ASSISTANT ADMINISTRATORS.**—

“(1) **IN GENERAL.**—The Administration has Assistant Administrators and a Chief Counsel.

“(A) **CHIEF COUNSEL.**—The Chief Counsel shall be appointed by the President and shall—

“(i) advise the Administrator on legal matters relating to the responsibilities, functions, and management of the Administration;

“(ii) at the request of the Administrator, provide guidance, counsel, and advice regarding, but shall not have final decision-making authority with regards to, the activities of the Administrator, including—

“(I) rulemaking activities;

“(II) policy and guidance document production;

“(III) exemption and waiver decisions; and

“(IV) certification and approval determinations;

“(iii) represent the Administration before the National Transportation Safety Board, Department of Transportation law judges, the Equal Employment Opportunity Commission, Federal courts of the United States, and other bodies and courts, as appropriate;

“(iv) pursue enforcement actions on behalf of the Administrator; and

“(v) perform other functions as determined by the Administrator.

“(B) **ASSISTANT ADMINISTRATOR FOR RULEMAKING AND REGULATORY IMPROVEMENT.**—The Assistant Administrator for Rulemaking and Regulatory Improvement shall be appointed by the Administrator and shall—

“(i) be responsible for developing and managing the execution of a regulatory agenda for the Administration that meets statutory and Administration deadlines, including by—

“(I) prioritizing rulemaking projects that are necessary to improve safety;

“(II) establishing the regulatory agenda of the Administration; and

“(III) coordinating with offices of the Administration, the Department, and other Federal entities as appropriate to improve timely feedback generation and approvals when required by law;

“(ii) not delegate overall responsibility for meeting internal timelines and final completion of the regulatory activities of the Administration outside the Office of the Assistant Administrator for Rulemaking and Regulatory Improvement;

“(iii) on an ongoing basis—

“(I) review the Administration’s regulations in effect to improve safety;

“(II) reduce undue regulatory burden;

“(III) replace prescriptive regulations with performance-based regulations, as appropriate;

“(IV) prevent duplicative regulations; and

“(V) increase regulatory clarity and transparency whenever possible;

“(iv) make recommendations for the Administrator’s review under subsection (f)(3)(C)(ii);

“(v) receive, coordinate, and respond to petitions for rulemaking and for exemption as provided for in subpart A of part 11 of title 14, Code

of Federal Regulations, and provide an initial response to a petitioner not later than 30 days after the receipt of such a petition—

“(I) acknowledging receipt of such petition;

“(II) confirming completeness of such petition;

“(III) providing an initial indication of the complexity of the request and how such complexity may impact the timeline for adjudication; and

“(IV) requesting any additional information, as appropriate, that would assist in the consideration of the petition;

“(vi) track the issuance of exemptions and waivers by the Administration to sections of title 14, Code of Federal Regulations, and establish a methodology by which to determine if it would be more efficient and in the public’s interest to amend a rule to reduce the future need of waivers and exemptions; and

“(vii) promulgate regulatory updates as determined more efficient or in the public’s best interest under clause (vi).

“(C) APPOINTMENT.—Additional Assistant Administrators, as determined necessary by the Administrator, may be appointed by the Administrator.

“(2) QUALIFICATIONS.—The Assistant Administrators shall be a citizen of the United States.

“(3) DUTIES.—The Assistant Administrators shall carry out duties and powers of their office described in this section and those prescribed by the Administrator.

“(4) MANAGEMENT BOARD OF THE ADMINISTRATION.—In this section, the term ‘Management Board of the Administration’ means—

“(A) the Associate Administrators and Chief Operating Officer established under subsection (c); and

“(B) the Assistant Administrators and Chief Counsel established under subsection (d).”.

(b) REPEAL.—Section 711 of the FAA Reauthorization Act of 2018 (49 U.S.C. 106 note) and the item relating to such section in the table of contents in section 1(b) of such Act are repealed.

(c) SYSTEMICALLY ADDRESSING NEED FOR EXEMPTIONS AND WAIVERS.—Not later than 30 months after the date of enactment of this Act, the Assistant Administrator for Rulemaking and Regulatory Improvement shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the methodology developed pursuant to section 106(d)(B)(vi) of title 49, United States Code (as added by this section).

SEC. 123. PROHIBITION ON CONFLICTING PECUNIARY INTERESTS.

Section 106(e) of title 49, United States Code, is amended to read as follows:

“(e) PROHIBITION ON CONFLICTING PECUNIARY INTERESTS.—

“(1) IN GENERAL.—The leadership of the Administration and the Management Board of the Administration may not have a pecuniary interest in, or hold a financial interest in, an aeronautical enterprise, or engage in another business, vocation, or employment.

“(2) TEACHING.—Notwithstanding paragraph (1), the Deputy Administrators and the Management Board of the Administration may not receive compensation for teaching without prior approval of the Administrator.

“(3) FINANCIAL INTEREST DEFINED.—In this subsection, the term ‘financial interest’—

“(A) means—

“(i) any current or contingent ownership, equity, or security interest;

“(ii) any indebtedness or compensated employment relationship; or

“(iii) any right to purchase or acquire any such interest, including a stock option; and

“(B) does not include securities held in an index fund.”.

SEC. 124. AUTHORITY OF SECRETARY AND ADMINISTRATOR.

(a) IN GENERAL.—Section 106(f) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”;

(B) by striking “Neither” and inserting “In exercising duties, powers, and authorities that are assigned to the Secretary or the Administrator under this title, neither”; and

(C) by striking “a committee, board, or organization established by executive order.” and inserting the following: “a committee, board, council, or organization that is—

“(A) established by executive order; or

“(B) not explicitly directed by legislation to review the exercise of such duties, powers, and authorities by the Secretary or the Administrator.”;

(2) in paragraph (2)—

(A) in subparagraph (A)(ii) by striking “the acquisition” and all that follows through the semicolon and inserting “the acquisition, establishment, improvement, operation, maintenance, security (including cybersecurity), and disposal of property, facilities, services, and equipment of the Administration, including all elements of the air traffic control system owned by the Administration;”;

(B) in subparagraph (A)(iii) by striking “paragraph (3)” and inserting “paragraph (4)”;

(C) in subparagraph (B) by inserting “civil aviation, any matter for which the Administrator is the final authority under subparagraph (A), any duty carried out by the Administrator pursuant to paragraph (3), or the provisions of this title, or” after “with respect to”; and

(D) in subparagraph (D)—

(i) by inserting “(formally or informally)” after “required”; and

(ii) by inserting “or any other Federal agency” after “Department of Transportation”;

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking “In the performance” and inserting “(i) ISSUANCE OF REGULATIONS.—In the performance”;

(ii) by striking “The Administrator shall act” and inserting “(ii) PETITIONS FOR RULEMAKING.—The Administrator shall act”;

(iii) by striking “The Administrator shall issue” and inserting “(iii) RULEMAKING TIMELINE.—The Administrator shall issue”; and

(iv) by striking “On February 1” and inserting “(iv) REPORTING REQUIREMENT.—On February 1”; and

(B) by striking subparagraphs (B) and (C) and inserting the following:

“(B) APPROVAL OF SECRETARY OF TRANSPORTATION.—

“(i) IN GENERAL.—The Administrator may not issue, unless the Secretary of Transportation approves the issuance of the regulation in advance, a proposed regulation or final regulation that—

“(I) is likely to result in the expenditure by State, local, and Tribal governments in the aggregate, or by the private sector, of \$250,000,000 or more (adjusted annually for inflation beginning with the year following the date of enactment of the Securing Growth and Robust Leadership in American Aviation Act) in any year; or

“(II) is significant.

“(ii) SIGNIFICANT DEFINED.—For purposes of this paragraph, a regulation is significant if the Administrator, in consultation with the Secretary (as appropriate), determines that the regulation—

“(I) will have an annual effect on the economy of \$250,000,000 or more (adjusted annually for inflation beginning with the year following the date of enactment of the Securing Growth and Robust Leadership in American Aviation Act);

“(II) raises novel or serious legal or policy issues that will substantially and materially affect other transportation modes; or

“(III) adversely affect, in a substantial and material way, the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or a State, local, or Tribal government or communities.

“(iii) EMERGENCY REGULATION.—In an emergency, the Administrator may issue a final regulation described in clause (i) without prior approval of the Secretary. If the Secretary objects to such regulation in writing within 5 days (excluding Saturday, Sundays, and legal public holidays) of the issuance, the Administrator shall immediately rescind such regulation.

“(iv) OTHER REGULATIONS.—The Secretary may not require that the Administrator submit a proposed or final regulation to the Secretary for approval, nor may the Administrator submit a proposed or final regulation to the Secretary for approval, if the regulation—

“(I) does not require the Secretary’s approval under clause (i) (excluding a regulation issued pursuant to clause (iii)); or

“(II) is a routine or frequent action or a procedural action.

“(v) TIMELINE.—The Administrator shall submit a copy of any proposed or final regulation requiring approval by the Secretary under

clause (i) to the Secretary, who shall either approve the regulation or return the regulation to the Administrator with comments within 30 days after receiving the regulation. If the Secretary fails to approve or return the regulation with comments to the Administrator within 30 days, the regulation shall be deemed to have been approved by the Secretary.

“(C) PERIODIC REVIEW.—

“(i) IN GENERAL.—In addition to the review requirements established under section 5.13(d) of title 49, Code of Federal Regulations, the Administrator shall review any significant regulation issued 3 years after the effective date of the regulation.

“(ii) DISCRETIONAL REVIEW.—The Administrator may review any regulation that has been in effect for more than 3 years.

“(iii) SUBSTANCE OF REVIEW.—In performing a review under clause (i) or (ii), the Administrator shall determine if—

“(I) the cost assumptions were accurate;

“(II) the intended benefit of the regulation is being realized;

“(III) the need remains to continue such regulation as in effect;

and

“(IV) the Administrator recommends updates to such regulation based on the review criteria specified in section 5.13(d) of title 49, Code of Federal Regulations.

“(iv) REVIEW MANAGEMENT.—Any periodic review of a regulation under this subparagraph shall be managed by the Assistant Administrator for Rulemaking and Regulatory Improvement, who may task an advisory committee or the Management Advisory Council established under subsection (p) to assist in performing the review.”;

(4) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(5) by inserting after paragraph (2) the following:

“(3) DUTIES AND POWERS OF THE ADMINISTRATOR.—

“(A) IN GENERAL.—The Administrator shall carry out—

“(i) the duties and powers of the Secretary under this subsection related to aviation safety (except those related to transportation, packaging, marking, or description of hazardous material) and stated in—

“(I) subsections (c) and (d) of section 1132;

“(II) sections 40101(c), 40103(b), 40106(a), 40108, 40109(b), 40113(a), 40113(c), 40113(d), 40113(e), 40114(a), and 40117;

“(III) chapter 443;

“(IV) chapter 445, except sections 44502(a)(3), 44503, and 44509;

“(V) chapter 447, except sections 44721(b), and 44723;

“(VI) chapter 448;

“(VII) chapter 451;

“(VIII) chapter 453;

“(IX) section 46104;

“(X) subsections (d) and (h)(2) of section 46301, section 46303(c), sections 46304 through 46308, section 46310, section 46311, and sections 46313 through 46320;

“(XI) chapter 465;

“(XII) chapter 471;

“(XIII) chapter 475; and

“(XIV) chapter 509 of title 51; and

“(ii) such additional duties and powers as may be prescribed by the Secretary.

“(B) APPLICABILITY.—Section 40101(d) applies to the duties and powers specified in subparagraph (A).

“(C) TRANSFER.—Any of the duties and powers specified in subparagraph (A) may only be transferred to another part of the Department if specifically provided by law or in a reorganization plan submitted under chapter 9 of title 5.

“(D) ADMINISTRATIVE FINALITY.—A decision of the Administrator in carrying out the duties or powers specified in subparagraph (A) is administratively final.”.

(b) CONFORMING AMENDMENT.—Subsection (h) of section 106 of title 49, United States Code, is repealed.

(c) PRESERVATION OF EXISTING AUTHORITY.—Nothing in this section or the amendments made by this section shall be construed to restrict any authority vested in the Administrator of the Federal Aviation Administration by statute or by delegation that was in effect on the day before the date of the enactment of this Act.

SEC. 125. REVIEW OF FAA RULEMAKING PROCESSES.

(a) **IN GENERAL.**—Not later than 30 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into appropriate arrangements with the National Academy of Public Administration to evaluate and make recommendations to improve the Administration’s rulemaking processes.

(b) **CONTENT OF REVIEW.**—In completing the evaluation under subsection (a), the National Academy of Public Administration shall—

(1) review Administration and Department of Transportation policies and procedures for drafting, coordinating, reviewing, editing, and approving rulemaking documents;

(2) review part 11 of title 14, Code of Federal Regulations, and section 106 of title 49, United States Code—

(A) as such section was in effect the day before the date of enactment of this Act; and

(B) as amended by this Act; and

(3) include in the review—

(A) advanced notices of proposed rulemakings;

(B) notices of proposed rulemakings;

(C) supplemental proposed rulemakings;

(D) interim final rules; and

(E) final rules, including direct final rules.

(c) **METHOD OF REVIEW.**—As part of the evaluation under this section, the National Academy of Public Administration shall analyze the scoping, drafting, analysis, and approval processes, including examining incidents in which a rule was referred back to a program office for revision, and the timeline associated with each review and step for—

(1) at least 7 rules completed by the Administration since 2012, including—

(A) at least 2 rules that leveraged the work of an aviation rulemaking committee;

(B) at least 2 rules considered significant as defined in section 106(f)(3)(B)(ii) (as amended by this Act); and

(C) at least 1 rule promulgated through rules considered routine and frequent in the Department’s Regulatory Agenda; and

(2) at least 2 rulemaking processes where a notice of proposed rulemaking has not been followed by a final rule for more than 3 years.

(d) **REPORT.**—The National Academy of Public Administration shall provide to the Administrator, Secretary of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of the evaluation required under subsection (a). The contents of the report shall—

(1) identify procedural or resource constraints;

(2) identify inefficiencies in the process, including any causes of delays;

(3) provide recommendations for expediting rulemakings, including—

(A) ways to improve the efficiency of the scoping process for rulemaking;

(B) the use of new routine and frequent rulemakings to allow for the expediting of activities that may be routinely needed or updated;

(C) the use of rules of applicability to provide for the expediting of activities that may be routinely needed or updated;

(D) the use of frameworks or shell rules to improve the efficiency of drafting;

(E) the use of aviation rulemaking committees; and

(F) internal process improvements; and

(4) not review the policy merits of the reviewed rulemakings, except to the extent that there are conclusions that can be drawn from the processes used to develop such rules.

(e) **ACCESS TO DOCUMENTS.**—The Administration and Department shall provide the National Academy of Public Administration access, as appropriate, to—

(1) the electronic management software the Administration uses to track internal processing of draft documents;

(2) appropriately redacted communications between offices and personnel that were used to coordinate work outside of the electronic software; and

(3) such other documents and records, including predecisional documents and records, that will assist the National Academy of Public Administration in completing the evaluation required under subsection (a).

SEC. 126. OFFICE OF INNOVATION.

Section 106 of title 49, United States Code, is further amended by striking subsection (g) and inserting the following:

“(g) OFFICE OF INNOVATION.—

“(1) IN GENERAL.—There is established within the Federal Aviation Administration an Office of Innovation (in this subsection referred to as the ‘Office’) comprised of employees of the Administration who shall—

- “(A) have a diverse set of expertise;
- “(B) assist the leadership of the Administration and the Management Board of the Administration with—
 - “(i) scoping complex regulatory issues and drafting documents on topics that span multiple offices or lines of business of the Administration;
 - “(ii) evaluating internal processes; and
 - “(iii) positioning the Administration to support aerospace innovation;
- and
- “(C) receive taskings from the leadership of the Administration and the Management Board of the Administration, as determined necessary by such individuals, and work collaboratively with relevant program offices of the Administration, as necessary, to respond to such taskings.

“(2) APPOINTMENT OF MEMBERS.—

“(A) APPOINTMENTS.—The Administrator shall appoint a maximum of 15 employees to serve a 2-year term as a member of the Office of Innovation with at least 1 employee appointed from each of the following:

- “(i) Office of Aviation Safety.
- “(ii) The Air Traffic Organization.
- “(iii) Office of Airports.
- “(iv) Office of Security and Hazardous Materials Safety.
- “(v) Office of Commercial Space Transportation.
- “(vi) Office of the Chief Counsel.
- “(vii) Office of Policy, International Affairs, and Environment.

“(B) CONSULTATION.—The Office may consult, as necessary, with other personnel of the Administration.

“(3) SELECTION OF MEMBERS.—An employee appointed under paragraph (2)—

- “(A) may be appointed from nominations made by Associate Administrators, Assistant Administrators, and the Chief Counsel of the Administration;
- “(B) shall not be a senior executive of the Administration;
- “(C) shall have been an employee of the Administration for at least 2 years; and
- “(D) shall have expertise in the authorities and duties of the respective office of the employee.

“(4) INNOVATION OFFICE LEAD.—The Administrator shall appoint a lead of the Office who shall report to the leadership of the Administration and who—

- “(A) may have a set term, as determined by the Administrator;
- “(B) shall manage the personnel and activities of such Office; and
- “(C) may be a detailed employee of any office of the Administration, notwithstanding the numerical limits placed on appointments in paragraph (2)(A).

“(5) STATUS.—An appointment of an employee to the Office established under this subsection shall not impact the status or position of such employee in the respective office of such employee and such employee shall be considered a detailed employee to the Office of Innovation.

“(6) RESOURCES.—The Administrator shall provide resources and staff, as necessary, to the Office to support the activities of the Office described in paragraph (1), not to exceed more than 6 full-time equivalent positions, including any necessary project managers.”.

SEC. 127. FRANK A. LOBIONDO NATIONAL AEROSPACE SAFETY AND SECURITY CAMPUS.

(a) IN GENERAL.—The campus and grounds of the Federal Aviation Administration Technical Center located at the Atlantic City International Airport in Egg Harbor Township, New Jersey, shall be known and designated as the “Frank A. LoBiondo National Aerospace Safety and Security Campus”.

(b) REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the campus and grounds at the Federal Aviation Administration Technical Center referred to in subsection (a) shall be deemed to be a reference to the “Frank A. LoBiondo National Aerospace Safety and Security Campus”.

SEC. 128. TECHNICAL CENTER FOR ADVANCED AEROSPACE.

(a) IN GENERAL.—Section 106 of title 49, United States Code, is further amended by inserting after subsection (g) (as added by section 126) the following:

“(h) TECHNICAL CENTER FOR ADVANCED AEROSPACE.—

“(1) IN GENERAL.—There is established within the Administration a technology center located at the Frank A. LoBiondo National Aerospace Safety and Security Campus to support the advancement of aerospace safety and innovation which shall be known as the ‘William J. Hughes Technical Center for Advanced Aerospace’ (in this subsection referred to as the ‘Technical Center’) that shall be used by the Administrator and, as permitted by the Administrator, other governmental entities, academia, and the aerospace industry.

“(2) MANAGEMENT.—The activities of the Technical Center shall be managed by a Director.

“(3) ACTIVITIES.—The activities of the Technical Center shall include—

“(A) developing and stimulating technology partnerships with and between industry, academia, and other government agencies and supporting such partnerships by—

“(i) liaising between external persons and offices of the Administration interested in such work;

“(ii) providing technical expertise and input, as appropriate; and

“(iii) providing access to the properties, facilities, and systems of the Technical Center through appropriate agreements;

“(B) managing technology demonstration grants awarded by the Administrator;

“(C) identifying software, systems, services, and technologies that could improve aviation safety and the operations and management of the air traffic control system and working with relevant offices of the Administration to consider the use and integration of such software, systems, services, and technologies, as appropriate;

“(D) supporting the work of any collocated facilities and tenants of such facilities, and to the extent feasible, enter into agreements as necessary to utilize the facilities, systems, and technologies of such collocated facilities and tenants;

“(E) managing the facilities of the Technical Center and the Frank A. LoBiondo National Aerospace Safety and Security Campus; and

“(F) carrying out any other duties as determined appropriate by the Administrator.”

(b) CONFORMING AMENDMENT.—Section 44507 of title 49, United States Code, is amended—

(1) by striking “(a) CIVIL AEROMEDICAL INSTITUTE” and all that follows through “The Civil Aeromedical Institute established” and inserting “The Civil Aeromedical Institute established”; and

(2) by striking subsection (b).

SEC. 129. OFFICE OF NEXTGEN SUNSET.

(a) IN GENERAL.—Not later than 30 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall terminate the Office of NextGen.

(b) CLOSURE PROCESS.—In carrying out subsection (a), the Administrator shall transfer duties, authorities, activities, personnel, and assets managed by the Office of NextGen to other officials of the Administration, as appropriate, including—

(1) transferring such duties, authorities, activities, personnel, and assets to—
(A) the Director of the William J. Hughes Technical Center for Advanced Aerospace established under subsection 106(h) of title 49, United States Code;

(B) the Assistant Administrator for Finance and Management;

(C) the Chief Operating Officer of the Air Traffic Control System; and

(D) other officials of the Administration, as determined by the Administrator; and

(2) transferring management of the NextGen Advisory Committee to the Chief Operating Officer of the Air Traffic Control System.

SEC. 130. FAA OMBUDSMAN.

Section 106 of title 49, United States Code, is further amended by striking subsection (i) and inserting the following:

“(i) FAA OMBUDSMAN.—

“(1) ESTABLISHMENT.—There is established within the Federal Aviation Administration an Ombudsman who shall coordinate or facilitate the adjudication of covered submissions.

“(2) OMBUDSMAN.—

“(A) IN GENERAL.—The Ombudsman shall be appointed by the Administrator and report to the Assistant Administrator for Government and Industry Affairs.

“(B) TERM.—The Ombudsman shall be appointed for a term of 5 years.

“(3) DUTIES.—The duties of the Ombudsman shall be as follows:

- “(A) Work with the relevant offices within the Administration to—
- “(i) with respect to a covered submission, resolve, provide a status update, or provide clarity on the status of such submissions;
 - “(ii) bring to the attention of the relevant office of the Administration concerns, as necessary, regarding Administration processes or considerations discovered while coordinating an activity related to a covered submission under this subsection; and
 - “(iii) address any gaps and communication lapses in Administration coordination processes.
- “(B) Determine if, based on a coordinated activity carried out under this subsection, reconsideration with respect to covered submissions or administrative actions are necessary and report to the Administrator or the relevant office within the Administration with recommendations relating to such reconsideration.
- “(C) Determine if trends materialize that could warrant process, procedural, or resource changes and report recommendations regarding such changes to the Administrator and relevant offices within the Administration.
- “(D) Ensure that reporting, processing, or dispute resolution mechanisms within the Administration are transparent and accessible to the public, and facilitate the use of such reporting, processing, or dispute resolution mechanisms, when appropriate.
- “(E) Perform other duties as prescribed by the Assistant Administrator.

“(4) DISCRETION ON COORDINATION AND REVIEW.—

- “(A) IN GENERAL.—The Ombudsman shall determine whether to coordinate a review of a covered submission in order to provide a response, coordinate the reconsideration of an administrative action, or take no additional action. In making a determination under this subparagraph, the Ombudsman shall consider—
- “(i) whether there are reporting, processing, or dispute resolution mechanisms that have not been exhausted or that may be more appropriate for dealing with, investigating, and responding to such covered submission;
 - “(ii) whether the subject or outcome of a covered submission is alleged to be—
 - “(I) contrary to law or regulation;
 - “(II) arbitrary and capricious; or
 - “(III) performed in an unreasonably inefficient or untimely manner; and
 - “(iii) such other factors as the Ombudsman considers appropriate.

“(B) EXCEPTION.—With regard to a covered submission concerning an activity relating to an alleged violation of an order, a regulation, or any other provision of Federal law by the Administration or whistleblower retaliation, the Ombudsman shall refer such covered submission to the appropriate Federal entity to adjudicate or investigate the subject of such submission.

“(C) COOPERATION.—The Administrator shall ensure that the officers and employees of the Administration fully cooperate with the activities of the Ombudsman and provide such information, documents, or materials as may be requested by the Ombudsman.

“(5) RESPONSE REQUIREMENT.—The Ombudsman shall ensure that the Administration provides an initial response to or status update on covered submissions within 10 business days of the Ombudsman receiving such submission.

“(6) DEFINITIONS.—In this subsection:

- “(A) ADMINISTRATIVE ACTION.—The term ‘administrative action’ means—
- “(i) an action taken by the Administrator of the Federal Aviation Administration to issue, deny, modify, or revoke a certificate, registration, approval, waiver, license, exemption, determination, interpretation, or any other authorizing action; or
 - “(ii) the lack of any action (or activity related to an action) described in clause (i) necessary to be taken by the Administrator.
- “(B) COVERED SUBMISSION.—The term ‘covered submission’ means an inquiry or objection relating to—
- “(i) an aircraft, aircraft engine, propeller, or appliance certification;
 - “(ii) a pilot certificate, including scheduling an associated appointment with Administration personnel or designees;
 - “(iii) a medical certificate;
 - “(iv) an operator certificate;
 - “(v) a commercial space transportation license;

- “(vi) an aircraft registration;
- “(vii) an operational approval, waiver, or exemption;
- “(viii) a legal interpretation;
- “(ix) an outstanding determination;
- “(x) an application of agency guidance; and
- “(xi) any certificate not otherwise described in this subparagraph that is issued pursuant to chapter 447.”

SEC. 131. PROJECT DASHBOARDS AND FEEDBACK PORTAL.

(a) **IN GENERAL.**—The Ombudsman of the Federal Aviation Administration shall, in reviewing Administration processes, receiving, reviewing, and responding to covered submissions, and through general due diligence, determine whether a publicly facing dashboard that provides applicants with the status of an application before the agency would be—

- (1) beneficial to applicants;
- (2) an efficient use of resources to build, maintain, and update; or
- (3) duplicative with other efforts within the Administration to streamline and digitize paperwork and certification processes to provide an applicant with a greater awareness of the status of an application before the Administration.

(b) **RECOMMENDATION.**—Not later than 30 months after the date of enactment of this Act, the Ombudsman shall provide a recommendation to the Administrator of the Federal Aviation Administration regarding the need or benefits of a dashboard or other means by which to track an application status.

(c) **BRIEFING.**—Not later than 45 days after receiving recommendations under subsection (b), the Administrator shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on—

- (1) any recommendation received from the Ombudsman; and
- (2) any activities the Administrator is taking in response to such recommendation.

(d) **FAA FEEDBACK PORTAL.**—

(1) **IN GENERAL.**—The Ombudsman shall, through interacting with the public and general due diligence, determine whether a publicly facing portal on the website through which the public may provide feedback to the Administrator about experiences they have working with personnel of the Administration would be beneficial.

(2) **REQUIREMENTS.**—The Ombudsman shall ensure any portal established under this subsection asks questions that seek to gauge any shortcomings the Administration has in fulfilling its mission or areas where the Administration is succeeding in meetings its mission.

(e) **COVERED SUBMISSION.**—In this section, the term “covered submission” has the meaning given the term in subsection 106(i) of title 49, United States Code.

SEC. 132. SENSE OF CONGRESS ON FAA ENGAGEMENT DURING RULEMAKING ACTIVITIES.

It is the sense of Congress that—

(1) the Administrator of the Federal Aviation Administration should engage with aviation stakeholder groups and the public during pre-drafting stages of rulemaking activities and use, to the greatest extent practicable, properly docketed ex-parte discussions during rulemaking activities in order to—

- (A) inform the work of the Administrator;
- (B) assist the Administrator in developing the scope of a rule; and
- (C) reduce the timeline for issuance of proposed and final rules; and

(2) when it would reduce the time required for the Administrator to adjudicate public comments, the Administrator should publicly provide information describing the rationale behind a regulatory decision included in proposed regulations in order to better allow for the public to provide clear and informed comments on such regulations.

SEC. 133. CIVIL AEROMEDICAL INSTITUTE.

Section 106(j) of title 49, United States Code, is amended by striking “There is” and inserting “CIVIL AEROMEDICAL INSTITUTE.—There is”.

SEC. 134. MANAGEMENT ADVISORY COUNCIL.

Section 106 of title 49, United States Code, is further amended—

- (1) by transferring paragraph (8) of subsection (p) as paragraph (7) of subsection (r); and
- (2) by striking subsection (p) and inserting the following:

“(p) **MANAGEMENT ADVISORY COUNCIL.**—

“(1) **ESTABLISHMENT.**—The Administrator shall establish an advisory council which shall be known as the Federal Aerospace Management Advisory Council (in this subsection referred to as the ‘Council’).

“(2) MEMBERSHIP.—The Council shall consist of 13 members, who shall consist of—

“(A) a designee of the Secretary of Transportation;

“(B) a designee of the Secretary of Defense;

“(C) 5 members representing aerospace and technology interests, appointed by the Administrator;

“(D) 5 members representing aerospace and technology interests, appointed by the Secretary of Transportation; and

“(E) 1 member, appointed by the Secretary of Transportation, who is the head of a union representing air traffic control system employees.

“(3) QUALIFICATIONS.—No officer or employee of the United States Government may be appointed to the Council under subparagraph (C) or (D) of paragraph (2).

“(4) FUNCTIONS.—

“(A) IN GENERAL.—

“(i) ADVISE; COUNSEL.—The Council shall provide advice and counsel to the Administrator on issues which affect or are affected by the activities of the Administrator.

“(ii) RESOURCE.—The Council shall function as an oversight resource for management, policy, spending, and regulatory matters under the jurisdiction of the Administrator.

“(iii) SUBMISSIONS TO ADMINISTRATION.—With respect to Administration management, policy, spending, funding, data management and analysis, safety initiatives, international agreements, activities of the International Civil Aviation Organization, and regulatory matters affecting the aerospace industry and the national airspace system, the Council may—

“(I) regardless of whether solicited by the Administrator, submit comments, recommended modifications, proposals, and supporting or dissenting views to the Administrator; and

“(II) request the Administrator include in any submission to Congress, the Secretary, or the general public, and in any submission for publication in the Federal Register, a description of the comments, recommended modifications, and dissenting or supporting views received from the Council under subclause (I).

“(iv) REASONING.—Together with a Council submission that is published or described under clause (iii)(II), the Administrator shall provide the reasons for any differences between the views of the Council and the views or actions of the Administrator.

“(v) COST-BENEFIT ANALYSIS.—The Council shall review the rule-making cost-benefit analysis process and develop recommendations to improve the analysis and ensure that the public interest is fully protected.

“(vi) PROCESS REVIEW.—The Council shall review the process through which the Administration determines to use advisory circulars, service bulletins, and other externally facing guidance and regulatory material.

“(B) MEETINGS.—The Council shall meet on a regular and periodic basis or at the call of the chair or of the Administrator.

“(C) ACCESS TO DOCUMENTS AND STAFF.—The Administration may give the Council appropriate access to relevant documents and personnel of the Administration, and the Administrator shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5 (commonly known as the ‘Freedom of Information Act’), cost data associated with the acquisition and operation of air traffic service systems.

“(D) DISCLOSURE OF COMMERCIAL OR PROPRIETARY DATA.—Any member of the Council who receives commercial or other proprietary data as provided for in this paragraph from the Administrator shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

“(5) APPLICATION OF CHAPTER 10 OF TITLE 5.—Chapter 10 of title 5 does not apply to—

“(A) the Council;

“(B) such aviation rulemaking committees as the Administrator shall designate; or

“(C) such aerospace rulemaking committees as the Secretary shall designate.

“(6) ADMINISTRATIVE MATTERS.—

“(A) TERMS.—Members of the Council appointed under paragraph (2)(C) shall be appointed for a term of 3 years.

“(B) TERM FOR AIR TRAFFIC CONTROL REPRESENTATIVE.—The member appointed under paragraph (2)(D) shall be appointed for a term of 3 years, except that the term of such individual shall end whenever the individual no longer meets the requirements of paragraph (2)(D).

“(C) VACANCY.—Any vacancy on the Council shall be filled in the same manner as the original appointment, except that any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed for the remainder of that term.

“(D) CONTINUATION IN OFFICE.—A member of the Council whose term expires shall continue to serve until the date on which the member’s successor takes office.

“(E) REMOVAL.—Any member of the Council appointed under paragraph (2) may be removed for cause by whomever makes the appointment.

“(F) CHAIR; VICE CHAIR.—The Council shall elect a chair and a vice chair from among the members appointed under subparagraphs (C) and (D) of paragraph (2), each of whom shall serve for a term of 1 year. The vice chair shall perform the duties of the chair in the absence of the chair.”

“(G) TRAVEL AND PER DIEM.—Each member of the Council shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from the usual place of residence of the member, in accordance with section 5703 of title 5.

“(H) DETAIL OF PERSONNEL FROM THE ADMINISTRATION.—The Administrator shall make available to the Council such staff, information, and administrative services and assistance as may reasonably be required to enable the Council to carry out its responsibilities under this subsection.”

SEC. 135. AVIATION NOISE OFFICER.

(a) IN GENERAL.—Section 106 of title 49, United States Code, is further amended by striking subsection (q) and inserting the following:

“(q) AVIATION NOISE OFFICER.—

“(1) IN GENERAL.—The Administration has an Aviation Noise Officer, who shall be appointed by the Administrator.

“(2) REGIONAL OFFICERS.—The Aviation Noise Officer shall designate, within each region of the Administration, a Regional Aviation Noise Officer.

“(3) DUTIES.—The Aviation Noise Officer, in coordination with the Regional Aviation Noise Officers, shall—

“(A) serve as a liaison with the public, including community groups, on issues regarding aircraft noise;

“(B) make recommendations to the Administrator to address concerns raised by the public in decision making processes; and

“(C) be consulted when the Administration proposes changes in aircraft routes so as to minimize any increases in aircraft noise over populated areas.

“(4) NUMBER OF FULL-TIME EQUIVALENT EMPLOYEES.—The appointment of an Aviation Noise Officer under this subsection shall not result in an increase in the number of full-time equivalent employees in the Administration.”

(b) CONFORMING AMENDMENTS.—Section 180 of the FAA Reauthorization Act of 2018 (49 U.S.C. 106 note) and the items relating to such section in the table of contents contained in section 1(b) of that Act, are repealed.

SEC. 136. CHIEF OPERATING OFFICER.

Section 106(r) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A) and inserting the following:

“(A) APPOINTMENT.—There shall be a Chief Operating Officer for the air traffic control system that is appointed by the Administrator and subject to the authority of the Administrator.”; and

(B) in subparagraph (E) by striking “shall be appointed for the remainder of that term” and inserting “may be appointed for either the remainder of the term or for a full term”;

(2) in paragraph (2) by striking “, with the approval of the Air Traffic Services Committee”;

(3) in paragraph (3)—

(A) by striking “, in consultation with the Air Traffic Services Committee,”; and

(B) by striking “annual basis.” and inserting— “annual basis and shall include responsibility for—

- “(A) the state of good repair of the air traffic control system;
- “(B) the continuous improvement of the safety and efficiency of the air traffic control system; and
- “(C) identifying services and solutions to increase the safety and efficiency of airspace use and to support the safe integration of all airspace users.”;
- (4) in paragraph (4) by striking “such information as may be prescribed by the Secretary” and inserting “the annual performance agreement required under paragraph (3), an assessment of the performance of the Chief Operating Officer in relation to the performance goals in the previous year’s performance agreement, and such other information as may be prescribed by the Administrator”; and
- (5) in paragraph (5)—
 - (A) by striking “Chief Operating Officer, or any other authority within the Administration responsibilities, including” and inserting “Chief Operating Officer any authority of the Administrator and shall delegate, at a minimum”;
 - (B) in subparagraph (A)—
 - (i) in clause (iii) by striking “and” at the end;
 - (ii) in clause (iv) by striking the period at the end and inserting “; and”; and
 - (iii) by adding at the end the following:
 - “(v) plans to integrate new entrant operations into the national airspace system and associated action items.”; and
 - (C) in subparagraph (C)(ii) by striking “and the Committee”.

SEC. 137. REPORT ON UNFUNDED CAPITAL INVESTMENT NEEDS OF AIR TRAFFIC CONTROL SYSTEM.

Section 106(r) of title 49, United States Code, is further amended by adding at the end the following:

- “(6) UNFUNDED CAPITAL INVESTMENT NEEDS REPORT.—
 - “(A) IN GENERAL.—Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1150 of title 31, the Chief Operating Officer shall submit directly to the Administrator, the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on any unfunded capital investment needs of the air traffic control system.
 - “(B) CONTENTS OF REPORT.—The report required under subparagraph (A) shall include, for each unfunded capital investment need, the following:
 - “(i) A summary description of such unfunded capital investment need.
 - “(ii) Objective to be achieved if such unfunded capital investment need is funded in whole or in part.
 - “(iii) The additional amount of funds recommended in connection with such objective.
 - “(iv) The Budget Line Item Program and Budget Line Item number associated with such unfunded capital investment need, as applicable.
 - “(v) Any statutory requirement associated with such unfunded capital investment need, as applicable.
 - “(C) PRIORITIZATION OF REQUIREMENTS.—The report required under subparagraph (A) shall present unfunded capital investment needs in overall urgency of priority.
 - “(D) DEFINITION OF UNFUNDED CAPITAL INVESTMENT NEED.—In this paragraph the term ‘unfunded capital investment need’ means a program that—
 - “(i) is not funded in the budget of the President for the fiscal year as submitted to Congress pursuant to section 1105 of title 31;
 - “(ii) is for infrastructure or a system related to necessary modernization or sustainment of the air traffic control system;
 - “(iii) is listed for any year in the most recent National Airspace System Capital Investment Plan of the Administration; and
 - “(iv) would have been recommended for funding through the budget referred to in subparagraph (A) by the Chief Operating Officer if—
 - “(I) additional resources had been available for the budget to fund the program, activity, or mission requirement; or
 - “(II) the program, activity, or mission requirement has emerged since the budget was formulated.”.

SEC. 138. CHIEF TECHNOLOGY OFFICER.

Section 106(s) of title 49, United States Code, is amended—

- (1) in paragraph (1)—

(A) in subparagraph (A) by striking “There shall be” and all that follows through the period at the end and inserting “The Chief Technology Officer shall be appointed by the Chief Operating Officer of the air traffic control system with the consent of the Administrator.”;

(B) in subparagraph (B) by striking “management” and inserting “management, systems management,”;

(C) by striking subparagraph (D);

(D) by redesignating subparagraphs (A) through (C) as subparagraphs (B) through (D), respectively; and

(E) by inserting before subparagraph (B), as so redesignated, the following:

“(A) ESTABLISHMENT.—There shall be a Chief Technology Officer for the air traffic control system that shall report directly to the Chief Operating Officer of the air traffic control system.”;

(2) in paragraph (2)—

(A) in subparagraph (A) by striking “program”; and

(B) in subparagraph (F) by striking “aircraft operators” and inserting “the Administration, aircraft operators, or other private providers of information and services related to air traffic management”; and

(3) in paragraph (3)—

(A) in subparagraph (A) by striking “The Chief Technology Officer shall be subject to the postemployment provisions of section 207 of title 18 as if the position of Chief Technology Officer were described in section 207(c)(2)(A)(i) of that title.”;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

“(B) POST-EMPLOYMENT.—The Chief Technology Officer shall be subject to the postemployment provisions of section 207 of title 18 as if the position of Chief Technology Officer were described in section 207(c)(2)(A)(i) of such title.”.

SEC. 139. DEFINITION OF AIR TRAFFIC CONTROL SYSTEM.

Section 40102(a)(47) of title 49, United States Code, is amended—

(1) in subparagraph (C) by striking “and” at the end;

(2) in subparagraph (D) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(E) systems, software, and hardware operated, owned, and maintained by third parties that support or directly provide air navigation information and air traffic management services with Administration approval.”.

SEC. 140. PEER REVIEW OF OFFICE OF WHISTLEBLOWER PROTECTION AND AVIATION SAFETY INVESTIGATIONS.

Section 106(t) of title 49, United States Code, is amended—

(1) by striking paragraph (7);

(2) by inserting after paragraph (6) the following:

“(7) DEPARTMENT OF TRANSPORTATION OFFICE OF THE INSPECTOR GENERAL PEER REVIEW.—

“(A) IN GENERAL.—Not later than 2 years after the date of enactment of the Securing Growth and Robust Leadership in American Aviation Act, and every 5 years thereafter, the inspector general of the Department of Transportation shall perform a peer review of the Office of Whistleblower Protection and Aviation Safety Investigations.

“(B) PEER REVIEW SCOPE.—In completing the peer reviews required under this paragraph, the inspector general shall use the most recent peer review guides published by the Council of the Inspectors General on Integrity and Efficiency Audit Committee and Investigations Committee.

“(C) REPORTS TO CONGRESS.—Not later than 90 days after the completion of a peer review required under this paragraph, the inspector general shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a description of any actions taken or to be taken to address the results of the peer review.”; and

(3) in paragraph (8)(B) by striking the comma.

SEC. 141. CYBERSECURITY LEAD.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall designate an executive of the Administration to serve as the lead for the cybersecurity of Administration systems and hardware (hereinafter referred to as the “Cybersecurity Lead”).

(b) DUTIES.—The Cybersecurity Lead shall carry out duties and powers prescribed by the Administrator, including the management of activities required under subtitle B of title VI of the Securing Growth and Robust Leadership in American Aviation Act.

(c) BRIEFING.—Not later than 1 and 3 years after the date of enactment of this Act, the Cybersecurity Lead shall provide a briefing to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the implementation of subtitle B of title VI of the Securing Growth and Robust Leadership in American Aviation Act.

SEC. 142. REDUCING FAA WASTE, INEFFICIENCY, AND UNNECESSARY RESPONSIBILITIES.

(a) ANNUAL REPORT ON AVIATION ACTIVITIES.—Section 308 of title 49, United States Code, is amended—

- (1) by striking subsection (b);
- (2) by redesignating subsection (c) as subsection (b); and
- (3) by redesignating subsection (e) as subsection (c).

(b) ANNUAL REPORT ON THE PURCHASE OF FOREIGN MANUFACTURED ARTICLES.—Section 40110(d) of title 49, United States Code, is amended by striking paragraph (5).

(c) ANNUAL REPORT ON ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.—Section 40113(e) of title 49, United States Code, is amended—

- (1) by striking paragraph (4); and
- (2) by redesignating paragraph (5) as paragraph (4).

(d) AIP ANNUAL REPORT.—Section 47131 of title 49, United States Code, and the item relating to such section in the analysis for chapter 471 of such title, are repealed.

(e) TRANSFER OF AIRPORT LAND USE COMPLIANCE REPORT TO NPIAS.—Section 47103 of title 49, United States Code, is amended—

- (1) by redesignating subsection (d) as subsection (e); and
- (2) by inserting after subsection (c) the following:

“(d) NON-COMPLIANT AIRPORTS.—

“(1) IN GENERAL.—The Secretary shall include in the plan a detailed statement listing airports the Secretary has reason to believe are not in compliance with grant assurances or other requirements with respect to airport lands and shall include—

- “(A) the circumstances of noncompliance;
 - “(B) the timeline for corrective action with respect to such noncompliance;
- and
- “(C) any corrective action the Secretary intends to require to bring the airport sponsor into compliance.

“(2) LISTING.—The Secretary is not required to conduct an audit or make a final determination before including an airport on the list referred to in paragraph (1).”.

(f) NOTICE TO AIRPORT SPONSORS REGARDING PURCHASE OF AMERICAN MADE EQUIPMENT AND PRODUCTS.—Section 306 of the Federal Aviation Administration Authorization Act of 1994 (49 U.S.C. 50101 note) is amended—

- (1) in subsection (a) by striking “(a)” and all that follows through “It is the sense” and inserting “It is the sense”; and
- (2) by striking subsection (b).

(g) OBSOLETE AVIATION SECURITY REQUIREMENTS.—Sections 302, 307, 309, and 310 of the Federal Aviation Reauthorization Act of 1996 (Public Law 104–264), and the items relating to such sections in the table of contents in section 1(b) of such Act, are repealed.

(h) REGULATION OF ALASKA GUIDE PILOTS.—Section 732 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 44701 note) is amended—

- (1) by striking subsection (b);
- (2) by redesignating subsection (c) as subsection (b); and
- (3) in subsection (b), as so redesignated—
 - (A) in the heading by striking “DEFINITIONS” and inserting “DEFINITION OF ALASKA GUIDE PILOT”; and
 - (B) by striking “, the following definitions apply” and all that follows through “The term ‘Alaska guide pilot’” and inserting “the term ‘Alaska guide pilot’”.

(i) NEXT GENERATION AIR TRANSPORTATION SENIOR POLICY COMMITTEE.—Section 710 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note), and the item relating to such section in the table of contents in section 1(b) of such Act, are repealed.

- (j) **IMPROVED PILOT LICENSES AND PILOT LICENSE RULEMAKING.**—
- (1) **INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT.**—Section 4022 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44703 note), and the item relating to such section in the table of contents in section 1(b) of such Act, are repealed.
- (2) **FAA MODERNIZATION AND REFORM ACT OF 2012.**—Section 321 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44703 note), and the item relating to such section in the table of contents in section 1(b) of such Act, are repealed.
- (k) **TECHNICAL TRAINING AND STAFFING STUDY.**—Section 605 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95) is amended—
- (1) by striking subsection (a);
- (2) in subsection (b)—
- (A) by striking “(b) Workload of Systems Specialists.—”; and
- (B) by redesignating paragraphs (1) through (3) as subsections (a) through (c) (and adjust the margins appropriately); and
- (3) in subsection (c) (as so redesignated) by striking “paragraph (1)” and inserting “subsection (a)”.
- (l) **FERRY FLIGHT DUTY PERIOD AND FLIGHT TIME RULEMAKINGS.**—Section 345 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note), and the item relating to such section in the table of contents in section 1(b) of such Act, are repealed.
- (m) **LASER POINTER INCIDENT REPORTS.**—Section 2104 of FAA Extension, Safety, and Security Act of 2016 (49 U.S.C. 46301 note) is amended—
- (1) in subsection (a) by striking “quarterly” and inserting “annually”; and
- (2) by adding at the end the following:
- “(c) **REPORT SUNSET.**—Subsection (a) shall cease to be effective after September 30, 2028.”
- (n) **COLD WEATHER PROJECTS BRIEFING.**—Section 156 of the FAA Reauthorization Act of 2018 (49 U.S.C. 47112 note) is amended—
- (1) by striking subsection (b); and
- (2) by redesignating subsection (c) as subsection (b).

TITLE II—GENERAL AVIATION

Subtitle A—Expanding Pilot Privileges and Protections

SEC. 201. REEXAMINATION OF PILOTS OR CERTIFICATE HOLDERS.

The Pilot’s Bill of Rights (49 U.S.C. 44703 note) is amended by adding at the end the following:

“SEC. 5. REEXAMINATION OF AN AIRMAN CERTIFICATE.

“(a) **IN GENERAL.**—The Administrator shall provide timely, written notification to an individual subject to a reexamination of an airman certificate issued under chapter 447 of title 49, United States Code.

“(b) **INFORMATION REQUIRED.**—In providing notification under subsection (a), the Administrator shall inform the individual—

“(1) of the nature of the reexamination and the specific activity on which the reexamination is necessitated;

“(2) that the reexamination shall occur within 1 year from the date of the notice provided by the Administrator, after which, if the reexamination is not conducted, the airman certificate may be suspended or revoked; and

“(3) when, as determined by the Administrator, an oral or written response to the notification from the Administrator is not required.

“(c) **EXCEPTION.**—Nothing in this section prohibits the Administrator from reexamining a certificate holder if the Administrator has reasonable grounds—

“(1) to establish that an airman may not be qualified to exercise the privileges of a certificate or rating based upon an act or omission committed by the airman while exercising such privileges or performing ancillary duties associated with the exercise of such privileges; or

“(2) to demonstrate that the airman obtained such a certificate or rating through fraudulent means or through an examination that was substantially and inadequate to establish the qualifications of an airman.

“(d) **STANDARD OF REVIEW.**—An order issued by the Administrator to amend, modify, suspend, or revoke an airman certificate after reexamination of the airman is subject to the standard of review provided for under section 2 of this Act.”

SEC. 202. GAO REVIEW OF PILOT'S BILL OF RIGHTS.

(a) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a study of the implementation of the Pilot's Bill of Rights (49 U.S.C. 44703 note).

(b) **CONTENTS.**—In conducting the study under subsection (a), the Comptroller General shall review—

(1) the implementation and application of the Pilot's Bill of Rights (49 U.S.C. 44703 note);

(2) the application of the Federal Rules of Civil Procedure and the Federal Rules of Evidence to covered proceedings by the National Transportation Safety Board, as required by section 2 of the Pilot's Bill of Rights (49 U.S.C. 44703 note);

(3) the appeal process and the typical length of time associated with a final determination in a covered proceeding; and

(4) any impacts of the implementation of the Pilot's Bill of Rights (49 U.S.C. 44703 note).

(c) **COVERED PROCEEDINGS.**—In this section, the term “covered proceeding” means a proceeding conducted under subpart C, D, or F of part 821 of title 49, Code of Federal Regulations, relating to denial, amendment, modification, suspension, or revocation of an airman certificate.

SEC. 203. EXPANSION OF BASICMED.

(a) **IN GENERAL.**—Section 2307 of the FAA Extension, Safety, and Security Act of 2016 (49 U.S.C. 44703 note) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2) and inserting the following:

“(2) the individual holds a medical certificate issued by the Federal Aviation Administration or has held such a certificate at any time after July 14, 2006;”;

(B) in paragraph (7) by inserting “calendar” before “months”; and

(C) in paragraph (8)(A) by striking “5” and inserting “6”;

(2) in subsection (b)(2)(A)(i) by inserting “(or any successor form)” after “(3-99)”;

(3) by striking subsection (h) and inserting the following:

“(h) **REPORT REQUIRED.**—Not later than 4 years after the date of enactment of the Securing Growth and Robust Leadership in American Aviation Act, the Administrator, in coordination with the National Transportation Safety Board, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that describes the effect of the regulations issued or revised under subsection (a) and includes statistics with respect to changes in small aircraft activity and safety incidents.”; and

(4) in subsection (j)—

(A) in paragraph (1) by striking “6” and inserting “7”; and

(B) in paragraph (2) by striking “6,000” and inserting “12,500”.

(b) **RULEMAKING.**—The Administrator of the Federal Aviation Administration shall update regulations in parts 61 and 68 of title 14, Code of Federal Regulations, as necessary, to implement the amendments made by this section.

(c) **APPLICABILITY.**—Beginning on the date that is 120 days after the date of enactment of this Act, the Administrator shall apply part 68, Code of Federal Regulations, in a manner reflecting the amendments made by this section.

SEC. 204. DATA PRIVACY.

(a) **IN GENERAL.**—Chapter 441 of title 49, United States Code, is amended by adding at the end the following:

“§ 44114. Privacy

“(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration shall establish and continuously improve a process by which, upon request of a private aircraft owner or operator, the Administrator blocks the registration number and other similar identifiable data or information, except for physical markings required by law, of the aircraft of the owner or operator from any public dissemination or display (except in furnished data or information made available to or from a Government agency pursuant to a government contract, subcontract, or agreement) for the noncommercial flights of the owner or operator.

“(b) **WITHHOLDING PERSONALLY IDENTIFIABLE INFORMATION ON AIRCRAFT REGISTRY.**—Not later than 1 year after the date of enactment of this section and notwithstanding any other provision of law, the Administrator shall establish a proce-

dures by which, upon request of a private aircraft owner or operator, the Administrator shall withhold from public disclosure (except in furnished data or information made available to or from a Government agency pursuant to a government contract, subcontract, or agreement) the personally identifiable information of such individual on the Civil Aviation Registry website.

“(c) ICAO AIRCRAFT IDENTIFICATION CODE.—

“(1) IN GENERAL.—The Administrator shall establish a program for aircraft owners and operators to apply for a new ICAO aircraft identification code.

“(2) LIMITATIONS.—In carrying out the program described in paragraph (1), the Administrator shall require—

“(A) each applicant to substantiate the safety or security need in applying for a new ICAO aircraft identification code; and

“(B) each approved applicant who obtains a new ICAO aircraft identification code to comply with all applicable aspects of, or related to, part 45 of title 14, Code of Federal Regulations, including updating an aircraft’s registration number and N-Number to reflect such aircraft’s new ICAO aircraft identification code.

“(d) DECOUPLING MODE S CODES.—The Administrator shall develop a plan for which the Administrator could allow for a process to disassociate an assigned Mode S code with the number assigned to an aircraft that is registered pursuant to section 44103.

“(e) DEFINITIONS.—In this section:

“(1) ADS-B.—The term ‘ADS-B’ means automatic dependent surveillance-broadcast.

“(2) ICAO.—The term ‘ICAO’ means the International Civil Aviation Organization.

“(3) PERSONALLY IDENTIFIABLE INFORMATION.—The term ‘personally identifiable information’ means—

“(A) the mailing address or registration address of an individual;

“(B) an electronic address (including an e-mail address) of an individual;

or

“(C) the telephone number of an individual.”.

(b) STUDY ON ENCRYPTING ADS-B.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall seek to enter into an agreement with a qualified organization to conduct a study assessing the technical challenges, impact to international aviation operations, benefits, and costs of encrypting ADS-B signals to provide for a safer and more secure environment for national airspace system users.

(2) CONSULTATION.—In carrying out the study under paragraph (1), a qualified organization shall consult with representatives of—

(A) air carriers;

(B) collective bargaining representatives of the Federal Aviation Administration aeronautical information specialists;

(C) original equipment manufacturers of ADS-B equipment;

(D) general aviation;

(E) business aviation; and

(F) aviation safety experts with specific knowledge of aircraft cybersecurity.

(3) CONSIDERATIONS.—In carrying out the study under paragraph (1), a qualified organization shall consider—

(A) the technical requirements for encrypting ADS-B signals for both the 978 Mhz and 1090 Mhz frequencies;

(B) the advantages of encrypting ADS-B signals for both the 978 Mhz and 1090 Mhz frequencies, including those related to cybersecurity protections, safety, and privacy of national airspace system users;

(C) the disadvantages of encrypting ADS-B signals for both the 978 Mhz and 1090 Mhz frequencies, including those related to cybersecurity protections, safety, and privacy of national airspace system users;

(D) the challenges of encrypting ADS-B signals for both the 978 Mhz and 1090 Mhz frequencies, including coordination considerations with the International Civil Aviation Organization and foreign civil aviation authorities;

(E) potential new aircraft equipage requirements and estimated costs;

(F) the impact to nongovernmental third-party users of ADS-B data;

(G) the estimated costs to—

(i) the Federal Aviation Administration;

(ii) aircraft owners required to equip with ADS-B equipment for aviation operations; and

(iii) other relevant persons the Administrator determines necessary; and

(H) the impact to national airspace system operations during implementation and post-implementation.

(4) REPORT.—In any agreement entered into under paragraph (1), the Administrator shall ensure that, not later than 1 year after the completion of the study required under paragraph (1), the qualified organization that has entered into such agreement shall submit to the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study described in paragraph (1), including the findings and recommendations related to each item specified under paragraph (3).

(5) DEFINITION OF QUALIFIED ORGANIZATION.—In this subsection, the term “qualified organization” means an independent nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code.

(c) CLERICAL AMENDMENT.—The analysis for chapter 441 of title 49, United States Code, is amended by adding at the end the following:

“44114. Privacy.”.

(d) CONFORMING AMENDMENT.—Section 566 of the FAA Reauthorization Act of 2018 (49 U.S.C. 44103 note) and the item relating to such section in the table of contents under section 1(b) of that Act are repealed.

SEC. 205. PROHIBITION ON USING ADS-B DATA TO INITIATE AN INVESTIGATION.

Section 46101 of title 49, United States Code, is amended by adding at the end the following:

“(c) PROHIBITION ON USING ADS-B DATA TO INITIATE AN INVESTIGATION.—

“(1) IN GENERAL.—Notwithstanding any provision of this section, the Administrator of the Federal Aviation Administration may not initiate an investigation (excluding a criminal investigation) of a person based exclusively on automatic dependent surveillance-broadcast data.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall prohibit the use of automatic dependent surveillance-broadcast data in an investigation that was initiated for any reason other than the review of automatic dependent surveillance-broadcast data, including if such investigation was initiated as a result of a report or complaint submitted to the Administrator.”.

SEC. 206. PROHIBITION ON N-NUMBER PROFITEERING.

Section 44103 of title 49, United States Code, is amended by adding at the end the following:

“(e) PROHIBITION ON N-NUMBER PROFITEERING.—

“(1) IN GENERAL.—No person may reserve an aircraft registration number without certifying that such person intends to use such registration number—

“(A) immediately on a specific aircraft; or

“(B) for future use on an aircraft owned or controlled, or intended to be owned or controlled, by such person.

“(2) TRANSFERS.—A person may transfer a reserved aircraft registration number to another person if—

“(A) the transferor certifies that the aircraft registration number is relinquished willingly and at a cost to the transferee that does not otherwise exceed the amount paid by the transferor to reserve such number; and

“(B) the transferee—

“(i) certifies that the transferor did not impose a dollar cost on the transfer that exceeds the amount provided for in subparagraph (A); and

“(ii) complies with the certification requirement under paragraph (1).”.

SEC. 207. ACCOUNTABILITY FOR AIRCRAFT REGISTRATION NUMBERS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a review of the process for reserving aircraft registration numbers to ensure that such process offers an equal opportunity for members of the general public to obtain specific aircraft registration numbers.

(b) ASSESSMENT.—In conducting the review under subsection (a), the Administrator shall assess the following:

(1) Whether the use of readily available software to prevent computer or web-based auto-fill systems from reserving aircraft registration numbers in bulk would improve participation in the reservation process by the general public.

(2) Whether a limit should be imposed on the number of consecutive years a person may reserve an aircraft registration number.

(3) The impact of the prohibition imposed by section 44103(e) of title 49, United States Code.

(c) BRIEFING.—Not later than 18 months after the date of enactment of this Act, the Administrator shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the review conducted under subsection (a), including any recommendations of the Administrator to improve equal participation in the process for reserving aircraft registration numbers by the general public.

SEC. 208. TIMELY RESOLUTION OF INVESTIGATIONS.

(a) IN GENERAL.—Not later than 2 years after the date of issuance of a letter of investigation to any person, the Administrator of the Federal Aviation Administration shall—

- (1) make a determination regarding such investigation and pursue subsequent action; or
- (2) close such investigation.

(b) EXTENSION.—

(1) IN GENERAL.—If, upon review of the facts and status of an investigation described in subsection (a), the Administrator determines that the time provided to make a final determination or close such investigation is insufficient, the Administrator may approve an extension of such investigation for 2 years.

(2) ADDITIONAL EXTENSIONS.—The Administrator may approve consecutive extensions under paragraph (1).

(c) DELEGATION.—The Administrator may not delegate the authority to approve an extension described in subsection (b) to anyone other than the leadership of the Administration as described in section 106(b) of title 49, United States Code.

SEC. 209. EXPANSION OF VOLUNTEER PILOT ORGANIZATION DEFINITION.

Section 821 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) is amended—

(1) in subsection (a)—

(A) by striking “for the fuel costs associated with” and inserting “for the fuel costs and airport fees attributed to”; and

(B) by striking “for an individual or organ for medical purposes (and for other associated individuals)” and inserting “for the purposes described in subsection (c)(2)”; and

(2) in subsection (c)(2) by striking “charitable medical transportation.” and inserting the following: “charitable transportation for the following purposes:

“(A) Assisting individuals in accessing medical care or treatment (and for other associated individuals).

“(B) Delivering human blood, tissues, or organs.

“(C) Aiding disaster relief efforts pursuant to a—

“(i) presidential declaration of a major disaster or an emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

“(ii) declaration of a major disaster or an emergency by a Governor of a State.”.

SEC. 210. CHARITABLE FLIGHT FUEL REIMBURSEMENT EXEMPTIONS.

(a) IN GENERAL.—

(1) VALIDITY OF EXEMPTION.—Except as otherwise provided in this subsection, an exemption from section 61.113(c) of title 14, Code of Federal Regulations, that is granted by the Administrator of the Federal Aviation Administration for the purpose of allowing a volunteer pilot to accept reimbursement from a volunteer pilot organization for the fuel costs and airport fees attributed to a flight operation to provide charitable transportation pursuant to section 821 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) shall be valid for 5 years.

(2) FAILING TO ADHERE.—If the Administrator finds an exemption holder under paragraph (1) or a volunteer pilot fails to adhere to the conditions and limitations of the exemption described under such paragraph, the Administrator may rescind or suspend the exemption.

(3) NO LONGER QUALIFYING.—If the Administrator finds that such exemption holder no longer qualifies as a volunteer pilot organization, the Administrator shall rescind such exemption.

(4) FORGOING EXEMPTION.—If such exemption holder informs the Administrator that such holder no longer plans to exercise the authority granted by such exemption, the Administrator may rescind such exemption.

- (b) **ADDITIONAL REQUIREMENTS.**—
- (1) **IN GENERAL.**—A volunteer pilot organization may impose additional safety requirements on a volunteer pilot without—
- (A) being considered—
- (i) an air carrier (as such term is defined in section 40102 of title 49, United States Code); or
- (ii) a commercial operator (as such term is defined in section 1.1 of title 14, Code of Federal Regulations); or
- (B) constituting common carriage.
- (2) **SAVINGS CLAUSE.**—Nothing in this subsection may be construed to limit or otherwise affect the authority of the Administrator to regulate, as appropriate, a flight operation associated with a volunteer pilot organization that constitutes a commercial operation or common carriage.
- (c) **REISSUANCE OF EXISTING EXEMPTIONS.**—In reissuing an expiring exemption described in subsection (a) that was originally issued prior to the date of enactment of this Act, the Administrator shall ensure that the reissued exemption—
- (1) accounts for the provisions of this section and section 821 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note), as amended by this Act; and
- (2) is otherwise substantially similar to the previously issued exemption.
- (d) **STATUTORY CONSTRUCTION.**—Nothing in this section shall be construed to—
- (1) affect the authority of the Administrator to exempt a pilot (exercising the private pilot privileges) from any restriction on receiving reimbursement for the fuel costs and airport fees attributed to a flight operation to provide charitable transportation; or
- (2) impose or authorize the imposition of any additional requirements by the Administrator on a flight that is arranged by a volunteer pilot organization in which the volunteer pilot—
- (A) is not reimbursed the fuel costs and airport fees attributed to a flight operation to provide charitable flights; or
- (B) pays a pro rata share of expenses as described in section 61.113(c) of title 14, Code of Federal Regulations.
- (e) **DEFINITIONS.**—In this section:
- (1) **VOLUNTEER PILOT.**—The term “volunteer pilot” means a person who—
- (A) acts as a pilot in command of a flight operation to provide charitable transportation pursuant to section 821 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note); and
- (B) holds a private pilot certificate, commercial pilot certificate, or an airline transportation pilot certificate issued under part 61 of title 14, Code of Federal Regulations.
- (2) **VOLUNTEER PILOT ORGANIZATION.**—The term “volunteer pilot organization” has the meaning given such term in section 821(c) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).

SEC. 211. GAO REPORT ON CHARITABLE FLIGHTS.

- (a) **REPORT.**—Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall initiate a review of the following:
- (1) Applicable laws, regulations, policies, legal opinions, and guidance pertaining to charitable flights and the operations of such flights, including reimbursement of fuel costs.
- (2) Petitions for exemption from the requirements of section 61.113(c) of title 14, Code of Federal Regulations, for the purpose of allowing a pilot to accept reimbursement for the fuel costs associated with a flight operation to provide charitable transportation pursuant to section 821 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note), as amended by this Act, including assessment of—
- (A) the conditions and limitations a petitioner must comply with if the exemption is granted and whether such conditions and limitations are—
- (i) applied to petitioners in a consistent manner; and
- (ii) commensurate with the types of flight operations exemption holders propose to conduct under any such exemptions;
- (B) denied petitions for such an exemption and the reasons for the denial of such petitions; and
- (C) the processing time of a petition for such an exemption.
- (3) Charitable flights conducted without an exemption from section 61.113(c) of title 14, Code of Federal Regulations, including an analysis of the certificates, qualifications, and aeronautical experience of the operators of such flights.
- (b) **CONSULTATION.**—In carrying out the review initiated under subsection (a), the Comptroller General shall consult with charitable organizations, including volunteer

pilot organizations, aircraft owners, and pilots who volunteer to provide transportation for or on behalf of a charitable organization, flight safety experts, and employees of the Federal Aviation Administration.

(c) **RECOMMENDATIONS.**—As part of the review initiated under subsection (a), the Comptroller General shall make recommendations, as determined appropriate, to the Administrator of the Federal Aviation Administration to improve the rules, policies, and guidance pertaining to charitable flight operations.

(d) **REPORT.**—Upon completion of the review initiated under subsection (a), the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the findings of such review and recommendations developed under subsection (c).

SEC. 212. ALL MAKES AND MODELS AUTHORIZATION.

(a) **IN GENERAL.**—

(1) **UNLIMITED LETTER OF AUTHORIZATION.**—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall take such action as may be necessary to allow for the issuance of letters of authorizations to airmen with the authorization for—

(A) all types and makes of experimental high-performance single engine piston powered aircraft; and

(B) all types and makes of experimental high-performance multiengine piston powered aircraft.

(2) **REQUIREMENTS.**—An individual who holds a letter of authorization and applies for an authorization described in paragraph (1)(A) or (1)(B)—

(A) shall be given an all-makes and models authorization of—

(i) experimental single-engine piston powered authorized aircraft; or

(ii) experimental multiengine piston powered authorized aircraft;

(B) shall hold the appropriate category and class rating for the authorized aircraft;

(C) shall hold 3 experimental aircraft authorizations in aircraft of the same category and class rating for the authorization sought; and

(D) may become qualified in additional experimental aircraft by completing aircraft specific training.

(b) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to disallow an individual from being given both an authorization described in paragraph (1)(A) and an authorization described in paragraph (1)(B).

(c) **FAILURE TO COMPLY.**—

(1) **IN GENERAL.**—If the Administrator fails to implement subsection (a) within the time period prescribed in such subsection, the Administrator shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of the implementation of such subsection on a monthly basis until the implementation is complete.

(2) **NO DELEGATION.**—The Administrator may not delegate the briefing described in paragraph (1).

SEC. 213. RESPONSE TO LETTER OF INVESTIGATION.

Section 2(b) of the Pilot's Bill of Rights (49 U.S.C. 44703 note) is amended by adding at the end the following:

“(6) **RESPONSE TO LETTER OF INVESTIGATION.**—If an individual decides to respond to a Letter of Investigation described in paragraph (2)(B) such individual may respond not later than 30 days after receipt of such Letter, including providing written comments on the incident to the investigating office.”.

Subtitle B—General Aviation Safety

SEC. 221. ADS-B SAFETY ENHANCEMENT INCENTIVE PROGRAM.

(a) **ESTABLISHMENT.**—Not later than 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a program to provide rebates to owners of covered general aviation aircraft for the purchase of covered ADS-B equipment.

(b) **APPLICATION.**—To be eligible to receive a rebate under this section, an owner of a covered general aviation aircraft shall submit to the Administrator an application in such form, at such time, and containing such information as the Administrator may require, including proof of successful installation of covered ADS-B equipment.

(c) **AUTHORIZED REBATE.**—

- (1) AMOUNT.—A rebate approved by the Administrator to be issued to an owner of a covered general aviation aircraft shall be equal to the lesser of—
 (A) the cost of purchasing the covered ADS-B equipment; or
 (B) \$2,000.
- (2) TIME.—A rebate issued under the program under this section shall be redeemed or presented for payment not later than 180 days after issuance, after which time the rebate shall be deemed void.
- (d) SUNSET.—The program established under subsection (a) shall terminate on October 1, 2027.
- (e) RESTRICTION.—The Administrator may not offer rebates for—
 (1) a software upgrade for covered ADS-B equipment;
 (2) covered ADS-B equipment installed prior to the date of enactment of this Act;
 (3) covered general aviation aircraft manufactured after January 1, 2020; or
 (4) covered general aviation aircraft for which the Administrator has previously issued a rebate related to the purchase and installation of covered ADS-B equipment.
- (f) DEFINITIONS.—In this section:
 (1) ADS-B.—The term “ADS-B” means automatic dependent surveillance-broadcast.
 (2) COVERED ADS-B EQUIPMENT.—The term “covered ADS-B equipment” means ADS-B equipment that—
 (A) meets the performance requirements described in section 91.227 of title 14, Code of Federal Regulations (or any successor regulation); and
 (B) is capable of receiving and displaying ADS-B information from other aircraft.
 (3) COVERED GENERAL AVIATION AIRCRAFT.—The term “covered general aviation aircraft” means a single-engine piston aircraft registered in the United States that is not equipped with covered ADS-B equipment.
- (g) AUTHORIZATION OF APPROPRIATIONS.—Out of amounts made available under section 106(k) of title 49, United States Code, there is authorized to be expended to carry out this section and pay administrative costs \$25,000,000 for fiscal year 2024 to remain available until expended.

SEC. 222. GAO REPORT ON ADS-B TECHNOLOGY.

- (a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on automatic dependent surveillance-broadcast equipage and usage rates across the active general aviation fleet in the United States.
- (b) CONTENTS.—In conducting the study described in subsection (a), the Comptroller General shall, at a minimum—
 (1) analyze the reasons why aircraft owners choose not to equip or use an aircraft with automatic dependent surveillance-broadcast technology;
 (2) examine and substantiate any benefits and drawbacks of using automatic dependent surveillance-broadcast technology, including safety and operational benefits and drawbacks;
 (3) survey ways to further incentivize aircraft owners to equip and use aircraft with automatic dependent surveillance-broadcast technology; and
 (4) examine the benefits, costs, and feasibility of requiring equipage of automatic dependent surveillance-broadcast technology on all newly manufactured aircraft other than aircraft issued a special airworthiness certificate.
- (c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on automatic dependent surveillance-broadcast described in subsection (b) and make recommendations to incentivize equipage and usage rates across the active general aviation fleet in the United States.

SEC. 223. PROTECTING GENERAL AVIATION AIRPORTS FROM FAA CLOSURE.

- (a) NON-SURPLUS PROPERTY.—Section 47125 of title 49, United States Code, is amended by adding at the end the following:

“(c) WAIVING RESTRICTIONS.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary may grant to an airport, city, or county a waiver of any of the terms, conditions, reservations, or restrictions contained in a deed under which the United States conveyed to the airport, city, or county an interest in real property for airport purposes pursuant to section 16 of the Federal Airport Act (60 Stat. 179), section 23 of the Airport and Airway Development Act of 1970 (84 Stat. 232), or this section.

“(2) CONDITIONS.—Any waiver granted by the Secretary pursuant to paragraph (1) shall be subject to the following conditions:

“(A) The applicable airport, city, county, or other political subdivision shall agree that in conveying any interest in the real property which the United States conveyed to the airport, city, or county, the airport, city, or county will receive consideration for such interest that is equal to its current fair market value.

“(B) Any consideration received by the airport, city, or county under subparagraph (A) shall be used exclusively for the development, improvement, operation, or maintenance of a public airport by the airport, city, or county.

“(C) Such waiver—

“(i) will not significantly impair the aeronautical purpose of an airport;

“(ii) will not result in the permanent closure of an airport (unless the Secretary determines that the waiver will directly facilitate the construction of a replacement airport); or

“(iii) is necessary to protect or advance the civil aviation interests of the United States.

“(D) Any other conditions required by the Secretary.

“(3) ANNUAL REPORTING.—The Secretary shall include a list and description of each waiver granted pursuant to paragraph (1) in the report required under section 47131.”

(b) SURPLUS PROPERTY.—

(1) IN GENERAL.—Section 47151 of title 49, United States Code, is amended—

(A) by striking subsection (d) and inserting the following:

“(d) WAIVER OF CONDITION.—The Secretary may not waive any condition imposed on an interest in surplus property conveyed under subsection (a) that such interest be used for an aeronautical purpose unless the Secretary provides public notice not less than 30 days before the issuance of such waiver and determines that such waiver—

“(1) will not significantly impair the aeronautical purpose of an airport;

“(2) will not result in the permanent closure of an airport (unless the Secretary determines that the waiver will directly facilitate the construction of a replacement airport); or

“(3) is necessary to protect or advance the civil aviation interests of the United States.”; and

(B) by adding at the end the following:

“(f) REVERSIONS OF PROPERTY.—The Secretary shall take all necessary action to revert surplus property conveyed under this subchapter back to the United States if—

“(1) the Secretary determines that an instrument conveying an interest in surplus property under this subchapter incorporates a provision providing for the reversion of such property in the event the property is not used for aeronautical purposes;

“(2) other efforts by the Secretary to ensure that the property is used by the relevant airport sponsor is used for aeronautical purposes are unsuccessful; and

“(3) the Secretary determines that a reversion—

“(A) will result in the property being used for aeronautical purposes; or

“(B) will not transfer liabilities, including environmental liabilities, greater than the fair market value of the property to the Government.”; and

(2) WAIVING AND ADDING TERMS.—Section 47153(c) of title 49, United States Code, is amended to read as follows:

“(c) RESTRICTIONS ON WAIVER.—Notwithstanding subsections (a) and (b), the Secretary may not waive any term under this section that an interest in land be used for an aeronautical purpose unless—

“(1) the Secretary provides public notice not less than 30 days before the issuance of a waiver; and

“(2) the Secretary determines that such waiver—

“(A) will not significantly impair the aeronautical purpose of an airport;

“(B) will not result in the permanent closure of an airport (unless the Secretary determines that the waiver will directly facilitate the construction of a replacement airport); or

“(C) is necessary to protect or advance the civil aviation interests of the United States.”

(c) REPEALS.—

(1) AIRPORTS NEAR CLOSED OR REALIGNED BASES.—Section 1203 of the Federal Aviation Reauthorization Act of 1996 (49 U.S.C. 47101 note), and the item relating to such section in the table of contents under section 1(b) of such Act, are repealed.

(2) RELEASE FROM RESTRICTIONS.—Section 817 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 47125 note), and the item relating to such section in the table of contents under section 1(b) of such Act, are repealed.

SEC. 224. ENSURING SAFE LANDINGS DURING OFF-AIRPORT OPERATIONS.

The Administrator of the Federal Aviation Administration shall not apply section 91.119 of title 14, Code of Federal Regulations, in any manner that requires a pilot to continue a landing that is unsafe.

SEC. 225. AIRPORT DIAGRAM TERMINOLOGY.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall update Airport Diagram Order JO 7910.4 and any related advisory circulars, policy, and guidance to ensure the clear and consistent use of terms to delineate the types of parking available to general aviation pilots.

(b) COLLABORATION.—In carrying out subsection (a), the Administrator shall collaborate with industry stakeholders, commercial service airports, and general aviation airports in—

- (1) facilitating basic standardization of general aviation parking terms;
- (2) accounting for the majority of uses of general aviation parking terms; and
- (3) providing clarity for chart users.

(c) IAC SPECIFICATIONS.—The Administrator shall encourage the Interagency Air Committee to incorporate the terms developed under subsection (a) in publications produced by the Committee.

SEC. 226. ALTERNATIVE ADS-B TECHNOLOGIES FOR USE IN CERTAIN SMALL AIRCRAFT.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall publish an approved list of effective alternatives to automatic dependent surveillance–broadcast equipment (in this section referred to as “alternative ADS–B equipment”) for covered aircraft operating outside of Mode C veil airspace so that such aircraft may voluntarily broadcast positioning to other aircraft.

(b) REVIEW; APPROVAL.—

(1) REVIEW.—In carrying out subsection (a), the Administrator shall, to the maximum extent practicable, review available commercial–off–the–shelf alternative ADS–B equipment that are used outside of the United States for purposes of allowing a pilot to voluntarily utilize such equipment while operating outside of Mode C veil airspace and within the national airspace system.

(2) APPROVAL.—The Administrator shall work with manufacturers of such equipment to expedite technical standard order authorization, or other approvals, required by the Administrator for such equipment for use in covered aircraft.

(c) DEFINITIONS.—In this section:

(1) ALTERNATIVE ADS–B EQUIPMENT.—The term “alternative ADS–B equipment” means a positioning technology that—

- (A) does not otherwise meet the performance requirements prescribed in section 91.227 of title 14, Code of Federal Regulations;
- (B) may be affixed to, or portable within, a covered aircraft; and
- (C) can broadcast positioning of a covered aircraft to other aircraft operating outside of Mode C veil airspace.

(2) COVERED AIRCRAFT.—The term “covered aircraft” means—

- (A) a single-engine piston aircraft;
- (B) an ultralight aircraft; or
- (C) an aircraft not equipped with an electrical system.

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed by the Administrator to require covered aircraft to install—

- (1) alternative ADS–B equipment; or
- (2) automatic dependent surveillance–broadcast equipment.

SEC. 227. AIRSHOW SAFETY TEAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall coordinate with the General Aviation Joint Safety Committee to establish an Airshow Safety Team focused on airshow and aerial event safety.

(b) OBJECTIVE.—The objective of the Airshow Safety Team described in subsection (a) shall be to—

- (1) serve as a mechanism for Federal Government and industry cooperation, communication, and coordination on airshow and aerial event safety; and
- (2) reduce airshow and aerial event accidents and incidents through non-regulatory, proactive safety strategies.

(c) ACTIVITIES.—In carrying out the objectives pursuant to subsection (b), the Airshow Safety Team shall, at a minimum—

- (1) perform an analysis of airshow and aerial event accidents and incidents in conjunction with the Safety Analysis Team;
- (2) publish and update every 2 years after initial publication an Airshow Safety Plan that incorporates consensus based and data driven mitigation measures and non-regulatory safety strategies to improve and promote safety of the public, performers, and airport personnel; and
- (3) engage the airshow and aerial event community to—
 - (A) communicate non-regulatory, proactive safety strategies identified by the Airshow Safety Plan to mitigate incidents; and
 - (B) discuss best practices to uphold and maintain safety at events.
- (d) MEMBERSHIP.—The Administrator may request the Airshow Safety Team be comprised of at least 10 individuals, each of whom shall have knowledge or a background in the planning, execution, operation, or management of an airshow or aerial event.
- (e) MEETINGS.—The Airshow Safety Team shall meet at least twice a year at the direction of the co-chairs of the General Aviation Joint Safety Committee.
- (f) CONSTRUCTION.—The Administrator shall not initiate a regulatory action based on any—
 - (1) discussion or sharing of information and data that occurs as part of an official meeting of the Airshow Safety Team; or
 - (2) safety strategies or best practices identified by the Airshow Safety Plan that are not intended to be used by the Administrator for regulatory purposes.

SEC. 228. TOWER MARKING NOTICE OF PROPOSED RULEMAKING.

- (a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a notice of proposed rulemaking to implement section 2110 of the FAA Extension, Safety, and Security Act of 2016 (49 U.S.C. 44718 note).
- (b) REPORT.—If the Administrator fails to issue the notice of proposed rulemaking pursuant to subsection (a), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an annual report on the status of such rulemaking, including—
 - (1) the reasons that the Administrator has failed to issue the rulemaking; and
 - (2) a list of fatal aircraft accidents associated with unmarked towers that have occurred over the 5 years previous to the date of submission of the report.

Subtitle C—Improving FAA Services

SEC. 241. AIRCRAFT REGISTRATION VALIDITY DURING RENEWAL.

- (a) IN GENERAL.—Section 44103 of title 49, United States Code, is further amended by adding at the end the following:

“(f) VALIDITY OF AIRCRAFT REGISTRATION DURING RENEWAL.—

- “(1) IN GENERAL.—An aircraft may be operated on or after the expiration date found on the certificate of registration issued for such aircraft under this section as if it were not expired if the operator of such aircraft has aboard the aircraft—

“(A) documentation validating that—

- “(i) an aircraft registration renewal application form (AC Form 8050–1B, or a succeeding form) has been submitted to the Administrator for such aircraft but not yet approved or denied; and

- “(ii) such aircraft is compliant with maintenance, inspections, and any other requirements for the aircraft’s airworthiness certificate issued under section 44704(d); and

“(B) the most recent aircraft registration.

- “(2) PROOF OF PENDING RENEWAL APPLICATION.—The Administrator shall provide an applicant for renewal of registration under this section with documentation described in paragraph (1)(A). Such documentation shall—

- “(A) be made electronically available to the applicant immediately upon submitting an aircraft registration renewal application to the Civil Aviation Registry for an aircraft;

- “(B) notify the applicant of the operational allowance described in paragraph (1);

- “(C) deem an aircraft’s airworthiness certificate issued under section 44704(d) as valid provided that the applicant confirms acknowledgment of the requirements of paragraph (1)(A)(ii);

- “(D) confirm the applicant acknowledged the limitations described in paragraph (3)(A) and (3)(B); and

“(E) include identifying information pertaining to such aircraft and to the registered owner.

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to permit any person to operate an aircraft—

“(A) with an expired registration, except as specifically provided for under this subsection; or

“(B) if the Administrator has denied an application to renew the registration of such aircraft.”.

(b) RULEMAKING; GUIDANCE.—Not later than 18 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a final rule, if necessary, and update all applicable guidance and policies to implement the amendment made by this section.

SEC. 242. TEMPORARY AIRMAN CERTIFICATES.

Section 44703 of title 49, United States Code, is amended by adding at the end the following:

“(1) TEMPORARY AIRMAN CERTIFICATE.—An individual may obtain a temporary airman certificate from the Administrator after requesting a permanent replacement airman certificate issued under this section. A temporary airman certificate shall be—

“(1) made available—

“(A) electronically to the individual immediately upon submitting an online application for a replacement certificate to the Administrator; or

“(B) physically to the individual at a flight standards district office—

“(i) if the individual submits an online application for a replacement certificate; or

“(ii) if the individual applies for a permanent replacement certificate other than by online application and such application has been received by the Federal Aviation Administration; and

“(2) destroyed upon receipt of the permanent replacement airman certificate from the Administrator.”.

SEC. 243. FLIGHT INSTRUCTION OR TESTING.

(a) IN GENERAL.—An authorized flight instructor providing student instruction, flight instruction, or flight training shall not be deemed to be operating an aircraft carrying persons or property for compensation or hire.

(b) AUTHORIZED ADDITIONAL PILOTS.—An individual acting as an authorized additional pilot during Phase I flight testing of aircraft holding an experimental airworthiness certificate, in accordance with section 21.191 of title 14, Code of Federal Regulations, and meeting the requirements set forth in Federal Aviation Administration regulations and policy in effect as of the date of enactment of this section, shall not be deemed to be operating an aircraft carrying persons or property for compensation or hire.

(c) USE OF AIRCRAFT.—An individual who uses, causes to use, or authorizes to use aircraft for flights conducted under subsection (a) or (b) shall not be deemed to be operating an aircraft carrying persons or property for compensation or hire.

(d) REVISION OF RULES.—

(1) IN GENERAL.—The requirements of this section shall become effective upon the date of enactment of this Act.

(2) REVISION.—The Administrator of the Federal Aviation Administration shall issue, revise, or repeal the rules, regulations, guidance, or procedures of the Federal Aviation Administration to conform to the requirements of this section.

SEC. 244. LETTER OF DEVIATION AUTHORITY.

(a) IN GENERAL.—A flight instructor, registered owner, lessor, or lessee of a covered aircraft shall not be required to obtain a letter of deviation authority from the Administrator of the Federal Aviation Administration to allow, conduct, or receive flight training, checking, and testing in such aircraft if—

(1) the flight instructor is not providing both the training and the aircraft;

(2) no person advertises or broadly offers the aircraft as available for flight training, checking, or testing; and

(3) no person receives compensation for use of the aircraft for a specific flight during which flight training, checking, or testing was received, other than expenses for owning, operating, and maintaining the aircraft.

(b) COVERED AIRCRAFT DEFINED.—In this section, the term “covered aircraft” means—

(1) an experimental category aircraft;

(2) a limited category aircraft; and

(3) a primary category aircraft.

SEC. 245. NATIONAL COORDINATION AND OVERSIGHT OF DESIGNATED PILOT EXAMINERS.

(a) **IN GENERAL.**—Not later than 16 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a program or office to provide national coordination and oversight of designated pilot examiners appointed under section 183.23 of title 14, Code of Federal Regulations.

(b) **RESPONSIBILITIES.**—The program or office established under subsection (a) shall be responsible for the following:

(1) Oversight of designated pilot examiners appointed under section 183.23 of title 14, Code of Federal Regulations, including the selection, training, duties, and deployment of such examiners.

(2) Supporting the standardization of policy, guidance, and regulations across the Administration pertaining to the selection, training, duties, and deployment of designated pilot examiners appointed under section 183.23 of title 14, Code of Federal Regulations, including evaluating the consistency by which such examiners apply Administration policies, orders, and guidance.

(3) Coordinating placement and deployment of such examiners across regions based on demand for examinations from the pilot community.

(4) Developing a code of conduct for such examiners.

(5) Deploying a survey system to track the performance and merit of such examiners.

(6) Facilitating an industry partnership to create a formal mentorship program for such examiners.

(c) **COORDINATION.**—In carrying out the responsibilities listed in subsection (b), the Administrator shall ensure the program—

(1) coordinates on an ongoing basis with flight standards district offices, designated pilot examiner managing specialists, and aviation industry stakeholders, including representatives of the general aviation community; and

(2) considers (or reconsiders) implementing the final recommendations report issued by the Designated Pilot Examiner Reforms Working Group and accepted by the Aviation Rulemaking Advisory Committee on June 17, 2021.

(d) **BRIEFING.**—The Administrator shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate in each fiscal year beginning after the date of enactment of this Act through fiscal year 2028 detailing—

(1) the methodology by which designated pilot examiners appointed under section 183.23 of title 14, Code of Federal Regulations, are deployed and any subsequent changes to the methodology to fulfill the demand for examinations;

(2) a review of the previous fiscal year detailing the average time an individual in each region must wait to schedule an appointment with such an examiner; and

(3) the turnover rates and resource costs associated with such examiners.

SEC. 246. BASICMED FOR EXAMINERS ADMINISTERING TESTS OR PROFICIENCY CHECKS.

(a) **EQUIVALENT PILOT-IN-COMMAND MEDICAL REQUIREMENTS.**—Notwithstanding section 61.23(a)(3)(iv) of title 14, Code of Federal Regulations, an examiner may administer a practical test or proficiency check if such examiner meets the medical qualification requirements under part 68 of title 14, Code of Federal Regulations, if the operation being conducted is in a covered aircraft, as such term is defined in section 2307(j) of the FAA Extension, Safety, and Security Act of 2016 (49 U.S.C. 44703 note).

(b) **RULEMAKING.**—Not later than 18 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a final rule to update part 61 of title 14, Code of Federal Regulations, to implement the requirements under subsection (a), in addition to any related requirements the Administrator finds are in the interest of aviation safety.

SEC. 247. DESIGNEE LOCATOR TOOL IMPROVEMENTS.

Not later than 2 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall ensure that the designee locator search function of the public website of the Designee Management System of the Administration has the functionality to—

(1) filter a search for an Aviation Medical Examiner (as described in section 183.21 of title 14, Code of Federal Regulations) by sex, if such information is available;

(2) display credentials and aircraft qualifications of a designated pilot examiner (as described in section 183.23 of such title); and

(3) display the scheduling availability of a designated pilot examiner (as described in section 183.23 of such title) to administer a test or proficiency check to an airman.

SEC. 248. DEADLINE TO ELIMINATE AIRCRAFT REGISTRATION BACKLOG.

Not later than 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall take such actions as may be necessary to reduce and maintain the aircraft registration and recordation backlog at the Civil Aviation Registry so that, on average, applications are processed not later than 10 business days after receipt.

SEC. 249. PART 135 AIR CARRIER CERTIFICATE BACKLOG.

(a) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall take such actions as may be necessary to achieve the goal of reducing the backlog of air carrier certificate applications under part 135 of title 14, Code of Federal Regulations, to—

(1) not later than 1 year after the date of enactment of this Act, maintain an average certificate decision time of less than 60 days; and

(2) not later than 2 years after the date of enactment of this Act, maintain an average certificate decision time of less than 30 days.

(b) **MEASURES.**—In meeting the goal under subsection (a), the Administrator may—

(1) assign, as appropriate, additional personnel or support staff, including on a temporary basis, to review, adjudicate, and approve applications;

(2) improve and expand promotion of existing applicant resources which could improve the quality of applications submitted to decrease the need for Administration applicant coordination and communications; and

(3) take into consideration any third-party entity that assisted in the preparation of an application for an air carrier certificate under part 135 of title 14, Code of Federal Regulations.

(c) **WORKING GROUP.**—The Administrator shall convene a working group comprised of industry stakeholders and aviation experts to—

(1) not later than 1 year after the date of enactment of this Act, study methods and make recommendations to clarify requirements and standardize the process for conducting and completing aircraft conformity processes for existing air carriers and operators under part 135 of title 14, Code of Federal Regulations, in a timely manner, which shall include—

(A) developing a plan to honor or expedite the consideration of previously accepted aircraft configuration evaluations when an aircraft moves from one certificate under part 135 of title 14, Code of Federal Regulations, to another such certificate;

(B) streamlining protocols for operators under such part 135 to add an aircraft that was listed on another certificate under such part 135 immediately prior to moving to the new carrier; and

(C) evaluating non-safety related Federal Aviation Administration policies, guidance, and documentation and identify needed changes to such policies, guidance, and documentation to accomplish subparagraph (B); and

(2) not later than 2 years after the date of enactment of this Act—

(A) study and review methods to modernize and improve the air carrier certification process under part 135 of title 14, Code of Federal Regulations; and

(B) recommend long-term solutions for effective management of Administration resources dedicated to approving air carrier certificate applications under such part 135.

(d) **CONGRESSIONAL BRIEFING.**—Beginning 6 months after the date of enactment of this Act, and not less than every 6 months thereafter until the Administrator complies with the requirements under subsection (a)(2), the Administrator shall provide a briefing to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of the backlog of air carrier certificate applications under part 135 of title 14, Code of Federal Regulations, any measures the Administrator has put in place under subsection (b), and any recommendations received from the review under subsection (c).

SEC. 250. LOGGING FLIGHT TIME ACCRUED IN CERTAIN PUBLIC AIRCRAFT.

(a) **COMPLETION OF RULEMAKING.**—Not later than 18 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a final rule modifying section 61.51(j)(4) of title 14, Code of Federal Regulations, to include aircraft under the direct operational control of forestry and fire protection agencies, as required by section 517 of the FAA Reauthorization Act of 2018 (49 U.S.C. 44703 note).

(b) **FAILURE TO COMPLETE RULEMAKING.**—If the Administrator fails to issue a final rule pursuant to subsection (a) by the deadline described in such subsection, beginning on the date that is 18 months after the date of enactment of this Act—

(1) notwithstanding section 61.51(j)(4) of title 14, Code of Federal Regulations, a pilot, while engaged on an official flight for a Federal, State, county, or municipal forestry or fire protection agency, may log flight time so long as the time acquired is in an aircraft that—

- (A) is identified as an aircraft under section 61.5(b) of such title; and
 - (B) is a public aircraft under the direct operational control of a forestry or fire protection agency; and
- (2) the Administrator may not take an enforcement action against the pilot for logging such flight time as described in paragraph (1).

(c) SUNSET.—Subsection (b) shall cease to be effective on the date on which the final rule required under subsection (a) is effective.

SEC. 251. FLIGHT INSTRUCTOR CERTIFICATES.

(a) COMPLETION OF RULEMAKING.—Not later than 36 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a final rule for the rulemaking activity titled “Removal of the Expiration Date on a Flight Instructor Certificate”, published in Fall 2022 in the Unified Agenda of Federal Regulatory and Deregulatory Actions (RIN 2120–AL25) to, at a minimum, update part 61 of title 14, Code of Federal Regulations, to—

- (1) remove the expiration date on a flight instructor certificate; and
 - (2) replace the requirement that a flight instructor renews their flight instructor certificate with appropriate recent experience requirements for the holder of a flight instructor certificate to exercise the privileges of such certificate.
- (b) FAILURE TO COMPLETE RULEMAKING.—If the Administrator fails to issue a final rule pursuant to subsection (a) before the deadline prescribed in that subsection, beginning on the date that is 36 months after the date of enactment of this Act—

(1) notwithstanding sections 61.19(d) and 61.197 of title 14, Code of Federal Regulations, an individual holding a flight instructor certificate that is not expired as of the date that is 36 months after the date of enactment of this Act may exercise the privileges of the certificate regardless of whether the certificate subsequently expires, provided that the individual meets eligibility requirements in accordance with section 61.183 of title 14, Code of Federal Regulations; and

(2) the Administrator—

- (A) shall consider a flight instructor certificate described in paragraph (1) as having no expiration date; and
- (B) may not enforce any regulation attributed to the renewal of a flight instructor certificate of an individual.

(c) SUNSET.—Subsection (b) shall cease to be effective on the effective date of a final rule issued pursuant to subsection (a).

SEC. 252. CONSISTENCY OF POLICY APPLICATION IN FLIGHT STANDARDS AND AIRCRAFT CERTIFICATION.

(a) IN GENERAL.—The inspector general of the Department of Transportation shall initiate audits, as described in subsection (d), of the Flight Standards and Aircraft Certification Services of the Federal Aviation Administration, and the personnel of such offices, on the consistency of—

- (1) the interpretation of policies, orders, guidance, and regulations; and
- (2) the application of policies, orders, guidance, and regulations.

(b) COMPONENTS.—In completing the audits required under this section, the inspector general shall interview stakeholders, including at a minimum, individuals or entities that—

- (1) hold a certificate or authorization related to the issue being audited under subsection (d);
- (2) are from different regions of the country with matters before different flight standards district offices or aircraft certification offices of the Administration;
- (3) work with multiple flight standards district offices or aircraft certification offices of the Administration; or
- (4) hold a single or multiple relevant certificates or authorizations.

(c) REPORTS.—The inspector general of the Department of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Secretary of Transportation, and the Administrator of the Federal Aviation Administration a report for each audit required in this section, containing the results of the audit, including findings and recommendations to the Administrator to improve the consistency of decision-making by Flight Standards and Aircraft Certification Services offices of the Administration.

(d) AUDITS.—The inspector general shall complete an audit and issue the associated report required under subsection (c) not later than—

(1) 18 months after the date of enactment of this Act, with regard to supplemental type certificates;

(2) 34 months after the date of enactment of this Act, with regard to repair stations certificated under part 145 of title 14, Code of Federal Regulations; and

(3) 50 months after the date of enactment of this Act, with regard to technical standards orders.

(e) IMPLEMENTATION.—In addressing any recommendations from the inspector general contained in the reports required under subsection (c), the Administrator shall—

(1) maintain an implementation plan; and

(2) broadly adopt any best practices to improve the consistency of interpretation and application of policies, orders, guidance, and regulations by other offices of the Administration and with regard to other activities of the Administration.

(f) BRIEFING.—Not later than 6 months after receiving a report required under subsection (c), the Administrator shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the implementation plan required under subsection (d), the status of any recommendation received pursuant to this section, and any best practices that are being implemented more broadly.

SEC. 253. APPLICATION OF POLICIES, ORDERS, AND GUIDANCE.

Section 44701 of title 49, United States Code, is amended by adding at the end the following:

“(g) POLICIES, ORDERS, AND GUIDANCE.—

“(1) CONSISTENCY OF APPLICATION.—The Administrator shall ensure consistency in the application of policies, orders, and guidance of the Administration by—

“(A) regular audits of the application and interpretation of such material by Administration personnel from person to person and office to office;

“(B) updating policies, orders, and guidance to resolve inconsistencies and clarify demonstrated ambiguities, such as through repeated inconsistent interpretation; and

“(C) ensuring officials are properly documenting findings and decisions throughout a project to decrease the occurrence of duplicative work and inconsistent findings by subsequent officials assigned to the same project.

“(2) ALTERATIONS.—The Administrator shall consult as appropriate with regulated entities who will be impacted by proposed changes to the content or application of policies, orders, and guidance before making such changes.

“(3) AUTHORITIES AND REGULATIONS.—The Administrator shall issue policies, orders, and guidance documents that are related to a law or regulation or clarify the intent of or compliance with specific laws and regulations.”.

SEC. 254. EXPANSION OF THE REGULATORY CONSISTENCY COMMUNICATIONS BOARD.

Section 224 of the FAA Reauthorization Act of 2018 (49 U.S.C. 44701 note) is amended—

(1) in subsection (c)—

(A) in paragraph (2) by striking “; and” and inserting a semicolon;

(B) in paragraph (3) by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

“(4) the Office of Airports;

“(5) the Office of Security and Hazardous Materials Safety;

“(6) the Office of Rulemaking and Regulatory Improvement; and

“(7) such other offices as the Administrator determines appropriate.”; and

(2) in subsection (d)(1)—

(A) in subparagraph (A) by striking “anonymous regulatory interpretation questions” and inserting “regulatory interpretation questions, including anonymously,”;

(B) in subparagraph (C) by striking “anonymous regulatory interpretation questions” and inserting “regulatory interpretation questions, including anonymously,”; and

(C) by adding at the end the following:

“(6) Submit recommendations, as needed, to the Assistant Administrator for Rulemaking and Regulatory Improvement for consideration.”.

SEC. 255. EXEMPTION OF FEES FOR AIR TRAFFIC SERVICES.

(a) IN GENERAL.—Chapter 453 of title 49, United States Code, is amended by adding at the end the following:

“§ 45307. Exemption of fees for air traffic services

“(a) REQUIREMENT TO PROVIDE SERVICES AND RELATED SUPPORT.—The Administrator shall provide or ensure the provisioning of air traffic services and aviation safety support for large, multiday aviation events, including airshows and fly-ins, where the average daily number of manned operations were 1,000 or greater in at least 1 of the preceding 3 years, without the imposition or collection of any fee, tax, or other charge for that purpose. Amounts for the provision of such services and support shall be derived from amounts appropriated or otherwise available for the Administration.

“(b) DETERMINATION OF SERVICES AND SUPPORT TO BE PROVIDED.—In determining the services and support to be provided for an aviation event for purposes of subsection (a), the Administrator shall take into account the following:

“(1) The services and support required to meet levels of activity at prior events, if any, similar to the event.

“(2) The anticipated need for services and support at the event.”.

(b) CLERICAL AMENDMENT.—The analysis of chapter 453 of title 49, United States Code, is amended by adding at the end the following:

“Sec. 45307. Exemption of fees for air traffic services.”.

(c) CONFORMING REPEAL.—Section 530 of the FAA Reauthorization of 2018 (49 U.S.C. 40103 note), and the item relating to that section in the table of contents in section 1(b) of such Act, are repealed.

SEC. 256. MODERNIZATION OF SPECIAL AIRWORTHINESS CERTIFICATION RULEMAKING DEADLINE.

Not later than 24 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a final rule for the rulemaking activity titled “Modernization of Special Airworthiness Certification”, published in Fall 2022 in the long-term actions of the Unified Agenda of Federal Regulatory and Deregulatory Actions (RIN 2120–AL50).

SEC. 257. TERMINATION OF DESIGNEES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall update the Administration’s Designee Management Policy (FAA Order 8000.95B), or any successor order, to ensure due process and increase transparency in Federal Aviation Administration-initiated terminations of designees.

(b) UPDATES TO THE DESIGNEE MANAGEMENT POLICY.—In updating the Administration’s Designee Management Policy under subsection (a), the Administrator shall, at a minimum, provide for the following:

(1) A process by which a designee—

(A) is notified of the root causes and reasons for a termination initiated by the Administrator;

(B) is notified of the change in a delegated authority to “suspended” or “terminated” during a Federal Aviation Administration-initiated termination;

(C) is provided a point of contact, who is independent of any investigation or termination action involving the designee, within the Administration, to correspond with for purposes of discussing the termination process and the designee’s status, including the handling of correspondence during the investigation process described in paragraph (2), if applicable, and the review panel described in paragraph (3);

(D) is notified of the results of the investigation described in paragraph (2) in a reasonable and timely manner, which shall include notice of additional action by the Administrator, if required; and

(E) may respond within 30 calendar days to the Administrator if the Administrator determines that a termination for cause is the appropriate course of action and initiates such action.

(2) An investigation process to determine the appropriate outcome in situations in which termination is being considered by the Administrator, which shall include the following elements:

(A) The root causes and reasons for the investigation, including any complaints or allegations.

(B) Collection of evidence related to the investigation.

(C) A review of the facts and circumstances surrounding the case.

(D) A review of the designee’s record in the designee management system and any relevant background information in the appropriate Federal Aviation Administration databases to determine if there is a pattern of inappropriate behavior or misconduct.

(E) A review of the designee's response to the investigation, if provided, to include any documentation provided by the designee.

(F) A decision on the appropriate course of action based on the results of the investigation.

(G) Recording the results of the investigation in the Federal Aviation Administration's designee management system.

(H) A notification to the designee that an investigation has been initiated, but only after it is determined through an established process that such notification would not adversely impact the investigation or safety.

(3) A review panel to determine whether a termination is appropriate when termination for cause is a possible outcome upon the completion of the investigation described in paragraph (2), of which such review panel shall—

(A) consider the elements of the investigation process provided for under paragraph (2), including the designee's response to the investigation and any associated documents, if provided; and

(B) complete the review process within 45 calendar days of the Administrator initiating a for cause termination decision of a designee.

(c) **SUBSEQUENT REVIEW FOR DESIGNATED PILOT EXAMINERS.**—

(1) **IN GENERAL.**—The Administrator shall set up a process through which a Designated Pilot Examiner terminated for cause may request a subsequent review by the Executive Director of the Flight Standards Service.

(2) **REQUEST.**—A Designated Pilot Examiner terminated for cause may request a subsequent review described in paragraph (1) not later than 15 calendar days after termination,

(3) **REVIEW.**—The Executive Director shall review all relevant information and facts by which the decision was made to terminate the designee, including the information considered by the review panel, and issue a final determination.

(4) **TIMING.**—Such final determination shall be issued by the Director not later than 45 calendar days upon receiving the request.

(d) **LIMITATION ON INVESTIGATION AND REVIEW PANEL PARTICIPANTS.**—An Administration employee involved in the selection, appointment, or management of a designee the Administrator is investigating or terminating for cause may not be party—

(1) to an investigation described in subsection (b)(2) of such designee; or

(2) participating on a review panel described in subsection (b)(3) pertaining to such designee.

SEC. 258. PART 135 CHECK AIRMEN REFORMS.

(a) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall assign to the Aviation Rulemaking Advisory Committee (in this section referred to as the "Committee") the task of reviewing all regulations and policies related to check airmen for air carrier operations conducted under part 135 of title 14, Code of Federal Regulations.

(b) **DUTIES.**—The Committee shall—

(1) review the processes and requirements by which authorized check airmen are selected, trained, and approved by the Administrator, and provide recommendations with respect to the regulatory and policy changes necessary to ensure efficient training and utilization of such check airmen;

(2) review differences in qualification standards between an inspector of the Federal Aviation Administration and an authorized check airmen in evaluating and certifying the knowledge and skills of pilots; and

(3) make recommendations with respect to the regulatory and policy changes necessary to allow authorized check airmen to perform duties beyond the duties permitted on the date of enactment of this Act.

(c) **ACTION BASED ON RECOMMENDATIONS.**—Not later than 1 year after receiving recommendations under subsection (a), the Administrator shall take such action as the Administrator considers appropriate with respect to such recommendations.

(d) **DEFINITION OF AUTHORIZED CHECK AIRMAN.**—In this section, the term "authorized check airman" means an individual employed by an air carrier that meets the qualifications and training requirements of sections 135.337 and 135.339 of title 14, Code of Federal Regulations, and is approved to evaluate and certify the knowledge and skills of pilots employed by such air carrier.

Subtitle D—Other Provisions

SEC. 261. REQUIRED CONSULTATION WITH NATIONAL PARKS OVERFLIGHTS ADVISORY GROUP.

Section 40128(b)(4) of title 49, United States Code, is amended—

- (1) in subparagraph (C) by striking “and” at the end;
- (2) in subparagraph (D) by striking the period at the end and inserting “; and”; and
- (3) by adding at the end the following:

“(E) consult with the advisory group established under section 805 of the National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note) and consider all advice, information, and recommendations provided by the advisory group to the Administrator and the Director.”.

SEC. 262. SUPPLEMENTAL OXYGEN REGULATORY REFORM.

(a) **IN GENERAL.**—Beginning on the date that is 30 days after the date of enactment of this Act, the following regulations shall cease to apply to any aircraft operating below 41,000 feet above mean sea level:

- (1) Paragraphs (3) and (4) of section 135.89(b) of title 14, Code of Federal Regulations (or any successor regulations).
- (2) Paragraphs (1)(ii) and (2) of section 91.211(b) of title 14, Code of Federal Regulations (or any successor regulations).

(b) **CONFORMING AMENDMENT.**—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a final regulation revising the provisions of title 14, Code of Federal Regulations, described in paragraphs (1) and (2) of subsection (a) to conform to the limitation in applicability pursuant to subsection (a).

SEC. 263. EXCLUSION OF GYROPLANES FROM FUEL SYSTEM REQUIREMENTS.

Section 44737 of title 49, United States Code, is amended—

- (1) by striking “rotorcraft” and inserting “helicopter” each place it appears; and
- (2) by adding at the end the following:

“(d) **EXEMPTION.**—A helicopter issued an experimental certificate under section 21.191 of title 14, Code of Federal Regulations (or any successor regulations), or operating under a Special Flight Permit issued under section 21.197 of title 14, Code of Federal Regulations (or any successor regulations), is exempt from the requirements of this section.”.

SEC. 264. AIRSHOW VENUE INFORMATION, AWARENESS, TRAINING, AND EDUCATION PROGRAM.

(a) **IN GENERAL.**—Not later than 4 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a program, in cooperation with the National Center for the Advancement of Aerospace, to be known as the “Airshow Venue Information, Awareness, Training, and Education Program” (in this section referred to as the “AVIATE Program”).

(b) **OBJECTIVE.**—The objectives of the AVIATE Program shall be—

- (1) to make information available to general aviation airport managers, local government officials, and other relevant stakeholders about how to host an airshow;
- (2) to provide guidance and resources to help organizers plan and execute airshows and aerial events, including—
 - (A) compliance with all applicable regulations;
 - (B) providing technical assistance in establishing—
 - (i) emergency response plans; and
 - (ii) communication plans between relevant event stakeholders, including local enforcement and emergency first responders; and
 - (C) ensuring protection of the public, performers, and airport personnel;
- (3) to promote public awareness and engagement with airshows and aerial events, including opportunities for community education, outreach, and involvement; and
- (4) to provide access to tools and resources that enable general aviation airport managers, local government officials, and other relevant stakeholders to understand the impact of airshows and aerial events on local economies and communities.

(c) **ADMINISTRATION.**—In carrying out the AVIATE Program, the Administrator shall consult and coordinate, as appropriate, with relevant stakeholders, including—

- (1) airshow safety experts;
- (2) general aviation aircraft owners and operators, including experimental aircraft owners and operators;
- (3) general aviation airports, including airport officials;
- (4) air traffic control specialists with knowledge of coordinating airshows and aerial events, including experts from the exclusive bargaining representative of air traffic controllers certified under section 7111 of title 5, United States Code; and

(5) experts from the exclusive bargaining representative of air traffic controllers certified under section 7111 of title 5, United States Code.

SEC. 265. LOW ALTITUDE ROTORCRAFT AND POWERED-LIFT OPERATIONS.

(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall, as appropriate, establish or update low altitude routes and flight procedures to ensure safe rotorcraft and powered-lift aircraft operations within Class B airspace of the national airspace system.

(b) **FLIGHT PROCEDURES.**—In carrying out subsection (a), the Administrator shall, as appropriate, establish or update approach and departure procedures at public-use airports and heliports within Class B airspace for rotorcraft and powered-lift aircraft operations.

(c) **FLIGHT ROUTES.**—

(1) **IN GENERAL.**—In carrying out this section, the Administrator shall revise part 71 of title 14, Code of Federal Regulations, as necessary, to establish or update low altitude routes related to Class B airspace operations for rotorcraft and powered-lift aircraft.

(2) **CONSIDERATIONS.**—In carrying out this section, the Administrator shall consider the impact of such low altitude flight routes described in paragraph (1) on other airspace users and impacted communities to ensure that such routes are designed to minimize—

(A) the potential for conflict with existing national airspace system operations;

(B) the workload of air traffic controllers; and

(C) negative effects to impacted communities.

(d) **CONSULTATION.**—In carrying out this section, the Administrator shall develop the procedures and routes required under subsection (b) and (c) in consultation with—

(1) rotorcraft operators, including air ambulance operators;

(2) powered-lift operators;

(3) exclusive bargaining representatives of air traffic controllers certified under section 7111 of title 5, United States Code; and

(4) any other relevant stakeholders as determined by the Administrator.

SEC. 266. BASICMED IN NORTH AMERICA.

The Administrator of the Federal Aviation Administration shall seek to facilitate the recognition of medical qualifications under part 68 of title 14, Code of Federal Regulations, with civil aviation authorities in Canada and such other foreign countries that the Administrator determines are appropriate.

SEC. 267. ELIMINATE AVIATION GASOLINE LEAD EMISSIONS.

(a) **EAGLE INITIATIVE.**—

(1) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall continue to partner with industry and other Federal Government stakeholders in carrying out the Eliminate Aviation Gasoline Lead Emissions Initiative (in this section referred to as the “EAGLE Initiative”).

(2) **FAA RESPONSIBILITIES.**—In collaborating with industry and other Government stakeholders to carry out the EAGLE Initiative, the Administrator shall take such actions as may be necessary under the Administrator’s authority to facilitate—

(A) the safe elimination of the use of leaded aviation gasoline by piston-engine aircraft by the end of 2030 without adversely affecting the piston-engine aircraft fleet;

(B) the approval of unleaded alternatives to leaded aviation gasoline for use in all piston-engine aircraft types and piston-engine types;

(C) the implementation of the requirements of section 431 as they relate to the continued availability of aviation gasoline;

(D) efforts to make approved unleaded aviation gasoline widely available at airports; and

(E) the development and implementation of a transition plan to safely expedite the transition of the piston-engine general aviation aircraft fleet to unleaded fuels by 2030.

(3) **ACTIVITIES.**—In carrying out the Administration’s responsibilities pursuant to paragraph (2), the Administrator, at a minimum, shall—

(A) develop and publish, as soon as practicable, a fleet authorization process for the efficient approval or authorization of unleaded aviation gasolines;

(B) review, update, and prioritize, as soon as practicable, certification processes and projects for aircraft engines and modifications to such engines to operate with unleaded aviation gasoline;

(C) evaluate and support programs that accelerate the creation, evaluation, qualification, deployment, and use of unleaded aviation gasolines;

(D) carry out, in partnership with the general aviation community, an ongoing campaign for training and educating aircraft owners and operators on how to safely transition to unleaded aviation gasoline;

(E) evaluate aircraft and aircraft engines to ensure that such aircraft and aircraft engines can operate with unleaded aviation gasoline candidates during cold weather conditions; and

(F) facilitate Government policy, regulatory proposals, and voluntary consensus standards with the objective of achieving the following:

(i) Establishing a commercially viable supply chain for unleaded aviation gasolines.

(ii) Facilitating market-based production and distribution of unleaded aviation gasolines.

(iii) Encouraging procurement of equipment required for the deployment, storage, and dispensing of unleaded aviation gasolines.

(4) CONSULTATION AND COORDINATION WITH RELEVANT STAKEHOLDERS.—In carrying out the EAGLE Initiative, the Administrator shall continue to consult and coordinate, as appropriate, with relevant stakeholders, including—

(A) general aviation aircraft engine, aircraft propulsion, and aircraft airframe manufacturers;

(B) general aviation aircraft users, aircraft owners, aircraft pilots, and aircraft operators;

(C) airports, heliports, and fixed-base operators;

(D) State, local, and Tribal airport officials or public agencies, with representation from both urban and rural areas;

(E) representatives of the petroleum industry, including developers, refiners, producers, and distributors of unleaded aviation gasolines; and

(F) air carriers and commercial operators operating under part 135 of title 14, Code of Federal Regulations.

(5) REPORTS TO CONGRESS.—

(A) INITIAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that—

(i) contains an updated strategic plan for developing a fleet authorization process for efficient approval and use of unleaded aviation gasolines;

(ii) describes the structure and involvement of all Federal Aviation Administration offices that have responsibilities described in paragraph (2); and

(iii) identifies cost-effective policy initiatives, regulatory initiatives, or legislative initiatives needed to improve and enhance the timely transition to unleaded aviation gasoline for the piston-engine aircraft fleet.

(B) ANNUAL REPORTING.—Not later than 1 year after the date on which the Administrator submits the initial report under subparagraph (A), and annually thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an annual report on activities and progress of the EAGLE Initiative.

(C) SUNSET.—Subparagraph (B) shall cease to be effective after December 31, 2030.

(b) TRANSITION PLAN TO UNLEADED FUELS.—

(1) IN GENERAL.—In developing the transition plan under subsection (a)(2)(E), the Administrator shall, at a minimum, assess the following:

(A) Efforts undertaken by the EAGLE Initiative, including progress towards—

(i) safely eliminating the use of leaded aviation gasoline by piston-engine aircraft by the end of 2030 without adversely affecting the piston-engine aircraft fleet;

(ii) approving unleaded alternatives to leaded aviation gasoline for use in all piston-engine aircraft types and piston-engine types; and

(iii) facilitating efforts to make approved unleaded aviation gasoline widely available at airports.

(B) The evaluation and development of necessary airport infrastructure, including fuel storage and dispensing facilities, to support the distribution and storage of unleaded aviation gasoline.

(C) The establishment of best practices for piston-engine aircraft owners and operators, airport managers and personnel, aircraft maintenance technicians, and other appropriate personnel for protecting against exposure to lead containment when—

- (i) conducting fueling operations;
- (ii) disposing of inspected gasoline samples;
- (iii) performing aircraft maintenance; and
- (iii) conducting engine run-ups.

(D) Efforts to address supply chain and other logistical barriers inhibiting the timely distribution of unleaded aviation gasoline to airports.

(E) Outreach efforts to educate and update piston-engine aircraft owners and operators, airport operators, and other members of the general aviation community on the potential benefits, availability, and safety of unleaded aviation gasoline.

(2) CONSULTATION.—In developing such transition plan, the Administrator shall consult, at a minimum, with representatives of entities described in subsection (a)(4).

(3) PUBLICATION; GUIDANCE.—Upon completion of developing such transition plan, the Administrator shall—

(A) make the plan available to the public on an appropriate webpage of the Administration; and

(B) provide guidance supporting the implementation of the transition plan.

(4) COORDINATION WITH EAGLE INITIATIVE.—In developing such transition plan and associated guidance pertaining to the implementation of such transition plan, the Administrator shall consult and coordinate with individuals carrying out the EAGLE Initiative.

(5) MAPPING UNLEADED AVIATION GASOLINE.—The Administrator shall develop and continuously update websites, brochures, and other communication materials associated with such transition plan to clearly convey the availability of unleaded aviation gasoline at airports.

(6) BRIEFING TO CONGRESS.—Not later than 60 days after the publication of such transition plan, the Administrator shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Technology of the Senate on such transition plan and any efforts or actions pertaining to the implementation of such transition plan.

TITLE III—AEROSPACE WORKFORCE

Subtitle A—Growing the Talent Pool

SEC. 301. EXTENSION OF AVIATION WORKFORCE DEVELOPMENT PROGRAMS.

Section 625(b)(1) of the FAA Reauthorization Act of 2018 (49 U.S.C. 40101 note) is amended by striking “section 48105” and all that follows through the period at the end and inserting the following: “section 48105 of title 49, United States Code, not more than—

“(A) \$15,000,000 for each of fiscal years 2024 through 2026 is authorized to be expended to provide grants under the program established under subsection (a)(1); and

“(B) \$15,000,000 for each of fiscal years 2024 through 2026 is authorized to provide grants under the program established under subsection (a)(2).

“(C) \$15,000,000 for each of fiscal years 2024 through 2026 is authorized to be expended to provide grants under the program established under subsection (a)(3).”

SEC. 302. IMPROVING AVIATION WORKFORCE DEVELOPMENT PROGRAMS.

(a) MANUFACTURING PROGRAM.—Section 625(a) of the FAA Reauthorization Act of 2018 (49 U.S.C. 40101 note) is amended—

(1) in paragraph (1) by striking “and” at the end;

(2) in paragraph (2) by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(3) a program to provide grants for eligible projects to support the education and recruitment of aviation manufacturing workers and the development of the aviation manufacturing workforce.”.

(b) PROJECT GRANTS.—Section 625(b) of the FAA Reauthorization Act of 2018 (49 U.S.C. 40101 note) is amended—

(1) in paragraph (2) by striking “\$500,000” and inserting “\$750,000”; and
(2) by adding at the end the following:

“(3) EDUCATION PROJECTS.—The Secretary shall ensure that not less than 20 percent of the amounts authorized to be expended under this subsection shall be used to carry out a grant program which shall be referred to as the ‘Willa Brown Aviation Education Program’ (in this paragraph referred to as the ‘Program’) under which the Secretary shall provide grants for eligible projects described in subsection (d) that are carried out in communities in counties containing at least 1 qualified opportunity zone (as such term is defined in section 1400Z–1(a) of the Internal Revenue Code of 1986).”.

(c) ELIGIBLE APPLICATIONS.—Section 625(c) of the FAA Reauthorization Act of 2018 (49 U.S.C. 40101 note) is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) APPLICATION FOR AIRCRAFT PILOT PROGRAM.—An application for a grant under the program established under subsection (a)(1) may be submitted, in such form as the Secretary may specify, by—

“(A) an air carrier, as defined in section 40102 of title 49, United States Code;

“(B) an entity that holds management specifications under subpart K of title 91 of title 14, Code of Federal Regulations;

“(C) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), a postsecondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002)), or a high school or secondary school (as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

“(D) a flight school that provides flight training, as defined in part 61 of title 14, Code of Federal Regulations, or that holds a pilot school certificate under part 141 of title 14, Code of Federal Regulations;

“(E) a labor organization representing professional pilots;

“(F) an aviation-related nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code; or

“(G) a State, local, territorial, or Tribal governmental entity.

“(2) APPLICATION FOR AVIATION MAINTENANCE PROGRAM.—An application for a grant under the program established under subsection (a)(2) may be submitted, in such form as the Secretary may specify, by—

“(A) a holder of a certificate issued under part 21, 121, 135, 145, or 147 of title 14, Code of Federal Regulations;

“(B) a labor organization representing aviation maintenance workers;

“(C) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), a postsecondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002)), or a high school or secondary school (as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

“(D) an aviation-related nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code; or

“(E) a State, local, territorial, or Tribal governmental entity.

“(3) APPLICATION FOR AVIATION MANUFACTURING PROGRAM.—An application for a grant under the program established under subsection (a)(3) may be submitted, in such form as the Secretary may specify, by—

“(A) an entity that—

“(i) actively designs or manufactures any aircraft, aircraft engine, propeller, or appliance, or a component, part, or system thereof, covered under a type or production certificate issued under section 44704; and

“(ii) has significant operations in the United States and a majority of the employees of such entity that are engaged in aviation manufacturing or development activities and services are based in the United States;

“(B) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), a postsecondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965

(20 U.S.C. 1002)), or a high school or secondary school (as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

“(C) an aviation-related nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code; or

“(D) a State, local, territorial, or Tribal governmental entity.”.

(d) ELIGIBLE PROJECTS.—Section 625(d) of the FAA Reauthorization Act of 2018 (49 U.S.C. 40101 note) is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) AIRCRAFT PILOT PROGRAM.—For purposes of the program established under subsection (a)(1), an eligible project is a project—

“(A) to create and deliver curriculum that provides high school or secondary school students with meaningful aviation education to become aircraft pilots, aerospace engineers, or unmanned aircraft systems operators, including purchasing and operating a computer-based simulator associated with such curriculum;

“(B) to support the professional development of teachers using the curriculum described in subparagraph (A);

“(C) to create and deliver curriculum that provides certified flight instructors with the necessary instructional, leadership, and communication skills to better educate student pilots;

“(D) to support transition to professional pilot careers, including for members of the Armed Forces; or

“(E) to support robust outreach about careers in the commercial aviation as a professional pilot, including outreach to primary, secondary, and post-secondary school students.

“(2) AVIATION MAINTENANCE PROGRAM.—For purposes of the program established under subsection (a)(2), an eligible project is a project—

“(A) to create and deliver curriculum that provides high school and secondary school students with meaningful aviation maintenance education to become an aviation mechanic or aviation maintenance technician, including purchasing and operating equipment associated with such curriculum;

“(B) to support the professional development of teachers using the curriculum described in subparagraph (A);

“(C) to establish or improve apprenticeship, internship, or scholarship programs for individuals pursuing employment in the aviation maintenance industry;

“(D) to support transition to aviation maintenance careers, including for members of the Armed Forces; or

“(E) to support robust outreach about careers in the aviation maintenance industry, including outreach to primary, secondary, and post-secondary school students.

“(3) AVIATION MANUFACTURING PROGRAM.—For purposes of the program established under subsection (a)(3), and eligible project is a project—

“(A) to create and deliver curriculum that provides high school and secondary school students with meaningful aviation manufacturing education, including teaching the technical skills used in the production of components, parts, or systems thereof for inclusion in an aircraft, aircraft engine, propeller, or appliance;

“(B) to support the professional development of teachers using the curriculum described in subparagraph (A);

“(C) to establish apprenticeship, internship, or scholarship programs for individuals pursuing employment in the aviation manufacturing industry;

“(D) to support transition to aviation manufacturing careers, including for members of the Armed Forces; or

“(E) to support robust outreach about careers in the aviation manufacturing industry, including outreach to primary, secondary, and post-secondary school students.”.

(e) REPORTING AND MONITORING REQUIREMENTS.—Section 625 of the FAA Reauthorization Act of 2018 (49 U.S.C. 40101 note) is amended by adding at the end the following:

“(f) REPORTING AND MONITORING REQUIREMENTS.—The Secretary shall establish reasonable reporting and monitoring requirements for grant recipients under this section to measure relevant outcomes for the grant programs established under paragraphs (1), (2), and (3) of subsection (a).

“(g) NOTICE OF GRANTS.—

“(1) **TIMELY PUBLIC NOTICE.**—The Secretary shall provide public notice of any grant awarded under this section in a timely fashion after the Secretary awards such grant.

“(2) **NOTICE TO CONGRESS.**—The Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate advance notice of a grant to be made under this section.

“(h) **TERMINATION.**—The authority of the Secretary to issue grants under this section shall terminate on September 30, 2026.”.

SEC. 303. NATIONAL CENTER FOR THE ADVANCEMENT OF AEROSPACE.

(a) **IN GENERAL.**—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

“§ 120. National Center for the Advancement of Aerospace

“(a) **FEDERAL CHARTER AND STATUS.**—

“(1) **IN GENERAL.**—The National Center for the Advancement of Aerospace (in this section referred to as the ‘Center’) is a federally chartered entity which shall be incorporated in the District of Columbia. The Center is a private independent entity, not a department, agency, or instrumentality of the United States Government or a component thereof. Except as provided in subsection (f)(1), an officer or employee of the Center is not an officer or employee of the Federal Government.

“(2) **PERPETUAL EXISTENCE.**—Except as otherwise provided, the Center shall have perpetual existence.

“(b) **GOVERNING BODY.**—

“(1) **IN GENERAL.**—The Board of Directors (in this section referred to as the ‘Board’) is the governing body of the Center.

“(2) **AUTHORITY.**—

“(A) **IN GENERAL.**—The Board shall adopt bylaws, policies, and procedures to carry out the purpose of the Center and may take any other action that it considers necessary (in accordance with the duties and powers of the Center) for the management and operation of the Center. The Board is responsible for the general policies and management of the Center and for the control of all funds of the Center.

“(B) **POWERS OF BOARD.**—The Board shall have the power to do the following:

“(i) Adopt and alter a corporate seal.

“(ii) Establish and maintain offices to conduct its activities.

“(iii) Enter into contracts or agreements as a private entity not subject to the requirements of title 41.

“(iv) Acquire, own, lease, encumber, transfer, and dispose of property as necessary and appropriate to carry out the purposes of the Center.

“(v) Publish documents and other publications in a publicly accessible manner.

“(vi) Incur and pay obligations as a private entity not subject to the requirements of title 31.

“(vii) Perform any other act necessary and proper to carry out the purposes of the Center as described in its bylaws or duties outlined in this section.

“(3) **MEMBERSHIP OF THE BOARD.**—

“(A) **IN GENERAL.**—The Board shall have 10 Directors as follows:

“(i) **EX-OFFICIO MEMBERSHIP.**—The following individuals, or their designees, shall be considered ex-officio members of the Board:

“(I) The Administrator of the Federal Aviation Administration.

“(II) The Executive Director, pursuant to paragraph (5)(D).

“(ii) **APPOINTMENTS.**—

“(I) **IN GENERAL.**—From among those members of the public who are highly respected and have expert knowledge and experience in the fields of aviation, finance, or academia—

“(aa) the Secretary of Transportation shall appoint 5 members to the Board;

“(bb) the Secretary of Defense shall appoint 1 member to the Board;

“(cc) the Secretary of Veterans Affairs shall appoint 1 member to the Board; and

“(dd) the Secretary of Education shall appoint 1 member to the Board.

“(II) **TERMS.**—

“(aa) IN GENERAL.—The members appointed under subclause (I) shall serve for a term of 3 years and may be reappointed.

“(bb) STAGGERING TERMS.—The Board shall stagger the duration of the terms of the initial members appointed to promote the stability of the Board.

“(B) VACANCIES.—A vacancy on the Board shall be filled in the same manner as the initial appointment.

“(C) STATUS.—All Members of the Board shall have equal voting powers, regardless if they are ex-officio members or appointed.

“(4) CHAIR OF THE BOARD.—The Board shall choose a Chair of the Board from among the members of the Board that are not ex-officio members under paragraph (3)(A)(i).

“(5) ADMINISTRATIVE MATTERS.—

“(A) MEETINGS.—

“(i) IN GENERAL.—The Board shall meet at the call of the Chair but not less than 2 times each year and may, as appropriate, conduct business by telephone or other electronic means.

“(ii) OPEN.—

“(I) IN GENERAL.—Except as provided in subclause (II), a meeting of the Board shall be open to the public.

“(II) EXCEPTION.—A meeting, or any portion of a meeting, may be closed if the Board, in public session, votes to close the meeting because the matters to be discussed—

“(aa) relate solely to the internal personnel rules, practices, and matters of the Center;

“(bb) may result in disclosure of commercial or financial information obtained from a person that is privileged or confidential;

“(cc) may disclose information of a personal nature where disclosure would constitute an unwarranted invasion of personal privacy; or

“(dd) are matters that are specifically exempted from disclosure by Federal or District of Columbia law.

“(iii) PUBLIC ANNOUNCEMENT.—At least 1 week before a meeting of the Board, and as soon as practicable thereafter if there are any changes to the information described in subclauses (I) through (III), the Board shall make a public announcement of the meeting that describes—

“(I) the time, place, and subject matter of the meeting;

“(II) whether the meeting is to be open or closed to the public; and

“(III) the name and appropriate contact information of a person who can respond to requests for information about the meeting.

“(iv) RECORD.—The Board shall keep minutes from each Board meeting. Such minutes shall be made available to the public in an accessible format, except for portions of the meeting that are closed pursuant to subparagraph (A)(ii)(II).

“(B) QUORUM.—A majority of members of the Board shall constitute a quorum.

“(C) CODE OF ETHICS.—The Board shall adopt a code of ethics for Directors, officers, agents, and employees of the Center to—

“(i) prevent inappropriate conflicts of interest and promote good employee conduct; and

“(ii) at a minimum, prohibit any member of the Board from participating in any proceeding, application, ruling, or other determination, contract claim, award, controversy, or other matter in which the member, the member’s employer or prospective employer, or the member’s immediate family member has a direct financial interest.

“(D) EXECUTIVE DIRECTOR.—The Board shall appoint and fix the pay of an Executive Director of the Center (in this section referred to as the ‘Executive Director’) who shall—

“(i) serve as an ex officio Member of the Board;

“(ii) serve at the pleasure of the Board, under such terms and conditions as the Board shall establish;

“(iii) is subject to removal by the Board at the discretion of the Board; and

“(iv) be responsible for the daily management and operation of the Center and for carrying out the purposes and duties of the Center.

“(E) APPOINTMENT OF PERSONNEL.—The Board shall delegate to the Executive Director the authority to appoint additional personnel as the Board considers appropriate and necessary to carry out the purposes and duties of the Center.

“(6) RECORDS.—The Board shall keep correct and complete records of accounts.

“(7) PUBLIC INFORMATION.—With the exception of the matters described in subsection (b)(5)(A)(ii)(II), nothing in this section may be construed to withhold disclosure of information or records that are subject to disclosure under section 552 of title 5.

“(c) PURPOSE.—The purpose of the Center is to—

“(1) develop a skilled and robust aerospace workforce in the United States;

“(2) provide a forum to support collaboration and cooperation between governmental, nongovernmental, and private aerospace sector stakeholders regarding the advancement of the aerospace workforce, including general, business, and commercial aviation, education, labor, manufacturing, international organizations, and commercial space transportation organizations;

“(3) serve as a repository for research conducted by institutions of higher education, research institutions, or other stakeholders regarding the aerospace workforce and related technical and skill development.

“(4) serve as a centralized resource that provides comprehensive and relevant information sources on the following:

“(A) Aviation pathway programs and professional development opportunities.

“(B) Aviation apprenticeship, scholarship, and internship programs.

“(C) Aviation-related curricula and resources about aviation occupations and career pathways developed for students, teachers, and guidance counselors at all levels of education.

“(D) Aviation industry organizations.

“(d) DUTIES.—In order to accomplish the purpose described in subsection (c), the Center shall perform the following duties:

“(1) Improve access to aerospace education and related skills training to help grow the U.S. aerospace workforce, including by—

“(A) assessing the state of the aerospace workforce, including challenges and identifying actions to address such challenges;

“(B) developing a comprehensive workforce strategy to help coordinate workforce development initiatives;

“(C) establishing or supporting apprenticeship, scholarship, internship, and mentorship programs that assist individuals who wish to pursue a career in an aerospace-related field;

“(D) supporting the development of aerospace education curricula, including syllabi, training materials, and lesson plans, for use by an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), a postsecondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002)), or a high school or secondary school (as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)); and

“(E) building awareness of youth-oriented aerospace programs and other robust outreach programs, including for primary, secondary, and post-secondary school students.

“(F) supporting the professional development of teachers using the curricula, syllabi, training materials, and lesson plans described in subparagraph (D); and

“(G) developing an array of educational and informative aviation-related educational activities and materials for students of varying ages and levels of education to use in the classroom and at home.

“(2) Support personnel or veterans of the Armed Forces seeking to transition to a career in aerospace through outreach, training, scholarships, apprenticeships, or other means.

“(3) Amplify and support the work carried out at the Centers of Excellence and Technical Centers of the Federal Aviation Administration regarding the aerospace workforce, or related technical and skills advancement, including organizing and hosting symposiums, conferences, and other forums as appropriate.

“(4) Administer on behalf of the Secretary of the Department of Transportation the Cooperative Aviation Recruitment, Enrichment, and Employment Readiness Program established by subsection (a) of 40131.

“(e) DUTY TO MAINTAIN TAX-EXEMPT STATUS.—The Center shall be operated in a manner and for purposes that qualify the Center for exemption from taxation under the Internal Revenue Code as an organization described in section 501(c)(3) of such Code.

“(f) ADMINISTRATIVE MATTERS OF CENTER.—

“(1) DETAILEES.—

“(A) IN GENERAL.—At the request of the Center, the head of any Federal agency or department may, at the discretion of such agency or department, detail to the Center, on a reimbursable basis, an employee of the agency or department.

“(B) CIVIL SERVANT STATUS.—The detail of an employee under subparagraph (A) shall be without interruption or loss of civil service status or privilege.

“(2) NAMES AND SYMBOLS.—The Center may accept, retain, and use proceeds derived from the Center’s use of the exclusive right to use its name and seal, emblems, and badges incorporating such name as lawfully adopted by the Board in furtherance of the purpose and duties of the Center.

“(3) GIFTS, GRANTS, BEQUESTS, AND DEVICES.—The Center may accept, retain, use, and dispose of gifts, grants, bequests, or devises of money, services, or property from any public or private source for the purpose of covering the costs incurred by the Center in furtherance of the purpose and duties of the Center.

“(4) VOLUNTARY SERVICES.—The Center may accept voluntary services from any person that are provided in furtherance of the purpose and duties of the Center.

“(g) RESTRICTIONS.—

“(1) PROFIT.—The Center may not engage in business activity for profit.

“(2) STOCKS AND DIVIDENDS.—The Center may not issue any shares of stock or declare or pay any dividends.

“(3) POLITICAL ACTIVITIES.—The Center shall be nonpolitical and may not provide financial aid or assistance to, or otherwise contribute to or promote the candidacy of, any individual seeking elective public office or political party. The Center may not engage in activities that are, directly, or indirectly, intended to be or likely to be perceived as advocating or influencing the legislative process.

“(4) DISTRIBUTION OF INCOME OR ASSETS.—The assets of the Center may not inure to the benefit of any member of the Board, or any officer or employee of the Center or be distributed to any person. This paragraph does not prevent the payment of reasonable compensation to any officer, employee, or other person or reimbursement for actual and necessary expenses in amounts approved by the Board.

“(5) LOANS.—The Center may not make a loan to any member of the Board or any officer or employee of the Center.

“(6) NO CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—Except as otherwise provided by section 40131, the Center may not claim approval of Congress or of the authority of the United States for any of its activities.

“(h) ADVISORY COMMITTEE.—

“(1) IN GENERAL.—The Executive Director shall appoint members to an advisory committee subject to approval by the Board. Members of the Board may not sit on the advisory committee.

“(2) MEMBERSHIP.—The advisory committee shall consist of not more than 15 members who represent various aviation industry and labor stakeholders, stakeholder associations, and others as determined appropriate by the Board. The advisory committee shall select a Chair and Vice Chair from among its members by majority vote.

“(3) DUTIES.—The advisory committee shall—

“(A) provide recommendations to the Board on an annual basis regarding the priorities for the activities of the Center;

“(B) consult with the Board on an ongoing basis regarding the appropriate powers of the Board to accomplish the purposes and duties of the Center; and

“(C) provide relevant data and information to the Center in order to carry out the duties set forth in subsection (d).

“(4) MEETINGS.—The provisions for meetings of the Board under subsection (b)(5) shall apply as similarly as is practicable to meetings of the advisory committee.

“(i) WORKING GROUPS.—

“(1) IN GENERAL.—The Board may establish working groups as determined necessary and appropriate to achieve the purpose of the Center under subsection (c).

“(2) MEMBERSHIP.—Any working group established by the Board shall be composed of private sector representatives, stakeholder associations, members of the public, labor representatives, and other relevant parties, as determined appropriate by the Board. Once established, the membership of such working group shall choose a Chair from among the members of the working group by majority vote.

“(j) CAREER COUNCIL.—

“(1) ESTABLISHMENT.—Not later than September 30, 2026, the Executive Director, in coordination with the Secretary, shall establish a council (in this section referred to as the ‘CAREER Council’) for the CAREER Program established under section 40131.

“(2) DUTIES.—The CAREER Council shall aid the Secretary and the Center in carrying out the CAREER Program by reviewing grant applications and recommending grant recipients.

“(3) APPOINTMENT.—The CAREER Council shall be appointed from candidates nominated by national associations representing various sectors of the aviation industry, including—

“(A) general aviation;

“(B) commercial aviation;

“(C) aviation labor, including collective bargaining representatives of Federal Aviation Administration aviation safety inspectors, aviation safety engineers, and air traffic controllers;

“(D) aviation maintenance, repair, and overhaul; and

“(E) unmanned aviation.

“(4) TERM.—Each council member appointed under paragraph (3) shall serve a term of 4 years.

“(k) ANNUAL REPORT.—The Board shall submit an annual report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that, at minimum, includes a review and examination of—

“(1) the activities performed as set forth in subsection (d) during the prior fiscal year;

“(2) the advisory committee described in subsection (h);

“(3) the working groups described in subsection (i); and

“(4) the Cooperative Aviation Recruitment, Enrichment, and Employment Readiness Program and related activities established under section 40131, including activities of the CAREER Council established under subsection (j).

“(l) AUDIT BY DEPARTMENT OF TRANSPORTATION INSPECTOR GENERAL.—

“(1) IN GENERAL.—Not later than 2 years after the date on which the Center is established under subsection (a), the inspector general of the Department of Transportation shall conduct a review of the Center.

“(2) CONTENTS.—The review shall—

“(A) include, at a minimum, an evaluation of the efforts taken at the Center to achieve the purpose set forth in subsection (c); and

“(B) provide any other information that the inspector general determines is appropriate.

“(3) REPORT ON AUDIT.—

“(A) REPORT TO SECRETARY.—Not later than 30 days after the date of completion of the audit, the inspector general shall submit to the Secretary a report on the results of the audit.

“(B) REPORT TO CONGRESS.—Not later than 60 days after the date of receipt of the report under subparagraph (A), the Secretary shall submit to the appropriate committees of Congress a copy of the report, together with, if appropriate, a description of any actions taken or to be taken to address the results of the audit.

“(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the National Center for the Advancement of Aerospace out of the Airport and Airway Trust Fund to carry out this section—

“(1) \$10,000,000 for fiscal year 2024;

“(2) \$10,000,000 for fiscal year 2025;

“(3) \$10,000,000 for fiscal year 2026;

“(4) \$11,000,000 for fiscal year 2027; and

“(5) \$11,000,000 for fiscal year 2028.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 49, United States Code, is amended by inserting after the item relating to section 119 the following:

“120. National Center for the Advancement of Aerospace.”.

SEC. 304. COOPERATIVE AVIATION RECRUITMENT, ENRICHMENT, AND EMPLOYMENT READINESS PROGRAM.

(a) IN GENERAL.—Chapter 401 of title 49, United States Code, is amended by adding at the end the following:

“§ 40131. Cooperative Aviation Recruitment, Enrichment, and Employment Readiness Program

“(a) ESTABLISHMENT.—Not later than September 30, 2026, the Secretary of Transportation, through the National Center for the Advancement of Aerospace (in this section referred to as the ‘Center’), shall establish an aviation workforce cooperative development program to be known as the Cooperative Aviation Recruitment, Enrichment, and Employment Readiness Program (in this section referred to as the ‘CAREER Program’) to support the education, recruitment, training, and retention of future aviation professionals and the development of a robust United States aviation workforce by—

“(1) using relevant workforce forecasts to predict and identify aviation-related workforce challenges; and

“(2) funding projects that address such challenges and help to sustain the long-term growth of civil aviation.

“(b) IMPLEMENTATION.—

“(1) PARTNERSHIP WITH NCAA.—In implementing the CAREER Program established under subsection (a), the Secretary shall partner with the CAREER Council established in subsection (j) of section 120.

“(2) NONDELEGATION.—Except as provided in paragraph (3), the Secretary may not delegate any of the authorities or responsibilities under this section to the Administrator of the Federal Aviation Administration.

“(3) SUPPORT.—To support the administration of the CAREER Program, the Secretary may assign employees of the Department of Transportation, including employees of the Federal Aviation Administration, on detail to the Center.

“(c) SOLICITATION, REVIEW, AND EVALUATION PROCESS.—In carrying out the CAREER Program, the Secretary shall establish a solicitation, review, and evaluation process that ensures funds made available to carry out this section are awarded to eligible entities with proposals that have adequate merit and relevancy to the mission of the program.

“(d) ELIGIBLE ENTITIES.—An eligible entity under this section is—

“(1) an air carrier;

“(2) an entity that holds management specifications under subpart K of title 91 of title 14, Code of Federal Regulations;

“(3) a holder of a certificate issued under parts 139, 145, or 147 of title 14, Code of Federal Regulations;

“(4) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), a postsecondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002)), or a high school or secondary school (as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

“(5) a flight school that provides flight training, as defined in part 61 of title 14, Code of Federal Regulations, or that holds a pilot school certificate under part 141 of title 14, Code of Federal Regulations;

“(6) an aviation labor organization;

“(7) a State, local, territorial, or Tribal government, including a political subdivision thereof;

“(8) an aviation-related nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code; or

“(9) an entity that—

“(A) actively designs or manufactures any aircraft, aircraft engine, propeller, or appliance, or a component, part, or system thereof, covered under a type or production certificate issued under section 44704; and

“(B) has significant operations in the United States and a majority of the employees of such entity that are engaged in aviation manufacturing or development activities and services are based in the United States.

“(e) REPORTING AND MONITORING REQUIREMENTS.—The Secretary shall establish reasonable reporting and monitoring requirements for grant recipients under this section to measure relevant outcomes of the program maintained pursuant to subsection (a).

“(f) REPORT.—Not later than September 30, 2027, and annually through fiscal year 2028, the Secretary shall submit to the Committee on Transportation and In-

frastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the program that includes—

“(1) a summary of projects awarded grants under this section and the progress of each recipient towards fulfilling program expectations;

“(2) an evaluation of how such projects cumulatively impact the future supply of individuals in the U.S. aviation workforce, including best practices or programs to incentivize, recruit, and retain individuals in aviation professions; and

“(3) recommendations for better coordinating actions by governmental entities, educational institutions, and businesses, aviation labor organizations, or other stakeholders to support aviation workforce growth.

“(g) NOTICE OF GRANTS.—

“(1) TIMELY PUBLIC NOTICE.—The Secretary shall provide public notice of any grant awarded under the CAREER Program in a timely fashion after the Secretary awards such grant.

“(2) NOTICE TO CONGRESS.—The Secretary shall provide advance notice of a grant to be made under the CAREER Program to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(h) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts made available under section 48105, \$50,000,000 for each of fiscal years 2027 and 2028 is authorized to be expended to provide grants under the program established under subsection (a).”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 401 of title 49, United States Code, is amended by adding at the end the following:

“40131. Cooperative Aviation Recruitment, Enrichment, and Employment Readiness Program.”.

SEC. 305. REPEAL OF DUPLICATIVE OR OBSOLETE WORKFORCE PROGRAMS.

(a) REPEAL.—Sections 44510 and 44515 of title 49, United States Code, are repealed.

(b) CLERICAL AMENDMENTS.—The analysis for chapter 445 of title 49, United States Code, is amended by striking the items relating to sections 44510 and 44515.

SEC. 306. CIVIL AIRMEN STATISTICS.

(a) PUBLICATION FREQUENCY.—The Administrator of the Federal Aviation Administration shall publish the study commonly referred to as the “U.S. Civil Airmen Statistics” on a monthly basis.

(b) PRESENTATION OF DATA.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a web-based dashboard for purposes of presenting the findings of the study described in subsection (a).

(2) DOWNLOADABLE FORMAT.—The Administrator shall make the data publicly available on the website of the Administration in a downloadable format.

(c) EXPANDED DATA CRITERIA.—Not later than 1 year after the date of enactment of this Act, the Administrator shall ensure that data sets and tables published as part of the study described in subsection (a) display information relating to the sex of certificate holders in more instances.

(d) HISTORICAL DATA.—Not later than 1 year after the date of enactment of this Act, the Administrator shall make all previously published annual data from the study described in subsection (a) available on the website of the Administration.

SEC. 307. BESSIE COLEMAN WOMEN IN AVIATION ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Transportation shall establish a Bessie Coleman Women in Aviation Advisory Committee (hereinafter referred to as the “Committee”).

(b) PURPOSE.—The Committee shall advise the Secretary and the Administrator of the Federal Aviation Administration on matters and policies related to the recruitment, retention, employment, education, training, well-being, and treatment of women in the aviation industry and aviation-focused Federal civil service positions.

(c) FORM OF DIRECTIVES.—All activities carried out by the Committee, including special committees, shall be in response to written terms of reference or taskings from the Secretary and may not duplicate the objectives of the Air Carrier Training Aviation Rulemaking Committee.

(d) FUNCTIONS.—In carrying out the directives described in subsection (c), the functions of the Committee are as follows:

(1) Foster industry collaboration in an open and transparent manner by engaging, as prescribed by this section, representatives of the private sector associated with an entity described in subsection (e)(1)(B).

(2) Make recommendations for strategic objectives, priorities, and policies that would improve the recruitment, retention, and training of women in aviation professions.

- (3) Evaluate opportunities for the Administration to improve the recruitment and retention of women in the Administration.
- (e) MEMBERSHIP.—
- (1) VOTING MEMBERS.—The Advisory Committee shall be composed of the following members:
- (A) The Administrator, or the designee of the Administrator.
- (B) At least 25 individuals, appointed by the Secretary, representing the following:
- (i) Transport aircraft and engine manufacturers.
- (ii) General aviation aircraft and engine manufacturers.
- (iii) Avionics and equipment manufacturers.
- (iv) Public and private aviation labor organizations, including collective bargaining representatives of—
- (I) aviation safety inspectors and safety engineers of the Federal Aviation Administration;
- (II) air traffic controllers;
- (III) certified aircraft maintenance technicians; and
- (IV) commercial airline pilots.
- (v) General aviation operators.
- (vi) Air carriers.
- (vii) Business aviation operators.
- (viii) Unmanned aircraft systems manufacturers and operators.
- (ix) Aviation safety management experts.
- (x) Aviation maintenance, repair, and overhaul entities.
- (xi) Airport owners and operators.
- (xii) Advanced air mobility manufacturers and operators.
- (xiii) Institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), a postsecondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002)), or a high school or secondary school (as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)).
- (xiv) A flight school that provides flight training, as defined in part 61 of title 14, Code of Federal Regulations, or that holds a pilot school certificate under part 141 of title 14, Code of Federal Regulations.
- (xv) Aviation maintenance technician schools governed under part 147 of title 14, Code of Federal Regulations.
- (2) NONVOTING MEMBERS.—
- (A) IN GENERAL.—In addition to the members appointed under paragraph (1), the Committee shall be composed of not more than 5 nonvoting members appointed by the Secretary from among officers or employees of the FAA.
- (B) DUTIES.—The nonvoting members may—
- (i) take part in deliberations of the Committee; and
- (ii) provide subject matter expertise with respect to reports and recommendations of the Committee.
- (C) LIMITATION.—The nonvoting members may not represent any stakeholder interest other than that of the FAA.
- (3) TERMS.—Each voting member and nonvoting member of the Committee appointed by the Secretary shall be appointed for a term of 4 years.
- (4) COMMITTEE CHARACTERISTICS.—The Committee shall have the following characteristics:
- (A) The ability to obtain necessary information from additional experts in the aviation and aerospace communities.
- (B) A membership size that enables the Committee to have substantive discussions and reach consensus on issues in a timely manner.
- (C) Appropriate expertise, including expertise in human resources, human capital management, policy, labor relations, employment training, workforce development, and youth outreach.
- (f) CHAIRPERSON.—
- (1) IN GENERAL.—The Chairperson of the Committee shall be appointed by the Secretary from among the voting members of the Committee under subsection (e)(1)(B).
- (2) TERM.—The Chairperson shall serve a 2-year term.
- (g) MEETINGS.—
- (1) FREQUENCY.—The Committee shall meet at least twice each year at the call of the Chairperson or the Secretary.
- (2) PUBLIC ATTENDANCE.—The meetings of the Committee shall be open and accessible to the public.

(h) SPECIAL COMMITTEES.—

(1) ESTABLISHMENT.—The Committee may establish special committees composed of private sector representatives, members of the public, labor representatives, and other relevant parties in complying with the consultation and participation requirements under subsection (d).

(2) AUTHORITIES.—A special committee established by the Committee may provide rulemaking advice, recommendations, and additional opportunities to obtain firsthand information to the Committee with respect to issues regarding the advancement of women in aviation.

(3) APPLICABLE LAW.—Public Law 92–463 shall not apply to a special committee established by the Committee.

(i) PERSONNEL MATTERS.—

(1) NO COMPENSATION OF MEMBERS.—

(A) NON-FEDERAL EMPLOYEES.—A member of the Committee who is not an officer or employee of the Federal Government shall serve without compensation.

(B) FEDERAL EMPLOYEES.—A member of the Committee who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(2) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(j) REPORTS.—The Committee shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report upon completion of each tasking summarizing the Committee’s—

(1) findings and associated recommendations to improve the advancement of women in aviation; and

(2) planned activities of the Committee, as tasked by the Secretary, and proposed terms of work to fulfill each activity.

(k) SUNSET.—The Committee shall terminate on the last day of the 8-year period beginning on the date of the initial appointment of the members of the Committee.

(l) FAA DEFINED.—In this section, the term “FAA” means the Federal Aviation Administration.

SEC. 308. ESTABLISHING A COMPREHENSIVE WEB-BASED AVIATION RESOURCE CENTER.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall partner with the National Center for the Advancement of Aerospace (in this section referred to as the “Center”) to establish a high-quality, web-based resource center that provides stream-lined public access to information sources on the following:

(1) Aviation pathway programs and professional development opportunities.

(2) Aviation apprenticeship, scholarship, and internship programs.

(3) Aviation-related curricula and resources about aviation occupations and career pathways developed for students, teachers, and guidance counselors at all levels of education.

(4) Aviation industry organizations.

(b) LEVERAGING FAA EDUCATION, RESEARCH, AND PARTNERSHIP PROGRAMS.—In carrying out subsection (a)(3), the Administrator and the Executive Director of the Center, in partnership with museums, nonprofit organizations, and commercial entities, shall, to the maximum extent practicable, leverage field and regional offices of the Federal Aviation Administration, the Mike Monroney Aeronautical Center, the William J. Hughes Technical Center for Advanced Aerospace, Air Transportation Centers of Excellence, and the Aviation and Space Education program of the Federal Aviation Administration to develop an array of educational and informative aviation-related educational activities and materials for students of varying ages and levels of education to use in the classroom, for after-school programs and at home.

(c) BRIEFING.—Not later than 2 year after the date of the enactment of this Act, the Administrator shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Technology of the Senate on—

(1) the web-based aviation resource center established under subsection (a); and

(2) the manner in which the education development and engagement activities of the Federal Aviation Administration are organized and funded.

SEC. 309. DIRECT HIRE AUTHORITY FROM UAS COLLEGIATE TRAINING INITIATIVE.

(a) **IN GENERAL.**—The Administrator of the Federal Aviation Administration may hire individuals from eligible institutions of higher education under the Unmanned Aircraft System Collegiate Training Initiative (in this section referred to as “UAS CTF”), as established in section 632 of the FAA Reauthorization Act of 2018 (49 U.S.C. 40101 note), without regard to—

- (1) sections 3309 through 3318 of title 5, United States Code;
- (2) part 211 of title 5, Code of Federal Regulations; or
- (3) subpart A of part 337 of title 5, Code of Federal Regulations.

(b) **ELIGIBILITY.**—Individuals eligible for employment by the Administrator under subsection (a) shall—

- (1) be in good standing or have graduated in good standing from an institution of higher education with a signed memorandum of understanding under the UAS CTF;
- (2) hold or have completed the majority of a related Bachelors or Associates degree, as described by the eligibility requirements of the UAS CTF;
- (3) have completed all requirements for a related minor, concentration, or certificate, as described by the eligibility requirements of the UAS CTF; or
- (4) meet any other criteria as considered appropriate by the Administrator.

(c) **DEFINITIONS.**—In this section:

(1) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) **GOOD STANDING.**—The term “good standing” means in good standing, as determined by the applicable institution of higher education.

(d) **SUNSET.**—The authority of the Administrator under this section shall terminate on September 30, 2028.

Subtitle B—Improving Training and Rebuilding Talent Pipelines

SEC. 311. JOINT AVIATION EMPLOYMENT TRAINING WORKING GROUP.

(a) **ESTABLISHMENT.**—Not later than 120 days after the date of enactment of this Act, the Secretary of Transportation shall establish an interagency working group (in this section referred to as the “working group”) to advise the Secretary of Transportation and the Secretary of Defense on matters and policies related to the training and certification of a covered aviation professional to improve career transition between the military and civilian workforces.

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The working group shall consist of—

- (A) 2 co-chairs described in paragraph (2);
- (B) not less than 6 representatives of the Federal Aviation Administration, to be appointed by the co-chair described in paragraph (2)(A); and
- (C) not less than 1 representative of each component of the armed forces (as such term is defined in section 101 of title 10, United States Code), to be appointed by the co-chair described in paragraph (2)(B).

(2) **CO-CHAIRS.**—The working group shall be co-chaired by—

- (A) a representative of the Department of Transportation, to be appointed by the Secretary of Transportation; and
- (B) a representative of the Department of Defense, to be appointed by the Secretary of Defense.

(c) **ACTIVITIES.**—The working group shall—

(1) evaluate and compare all regulatory requirements, guidance, and orders affecting covered aviation professionals and identify challenges that inhibit recruitment, training, and retention within the respective workforces of such professionals; and

(2) assess appropriate areas for increased interagency information sharing and harmonization across workforces on matters related to certification pathways and certification requirements, including knowledge testing, affecting covered aviation professionals.

(d) **INITIAL REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than 1 year after the date on which the Secretary of Transportation establishes the working group, the working group shall submit to the appropriate committees of Congress an initial report on the activities of the working group.

(2) **CONTENTS.**—The report required under paragraph (1) shall include—

(A) a detailed description of the findings of the working group pursuant to the activities required under subsection (c); and

(B) recommendations for regulatory, policy, or legislative action to improve the training and certification of covered aviation professionals across the civilian and military workforces.

(e) ANNUAL REPORTING.—Not later than 1 year after the date on which the working group submits the initial report under subsection (d), and annually thereafter, the working group shall submit to the appropriate committees of Congress a report—

(1) describing the continued activities of the working group;

(2) describing any progress made by the Secretary of Transportation or Secretary of Defense in implementing the recommendations described in subsection (d)(2)(B); and

(3) containing any other recommendations the working group may have with respect to efforts to improve the employment and training of covered aviation professionals in the civilian and military workforces.

(f) SUNSET.—The working group shall terminate on the date that is 4 years after the date on which the working group submits the initial report to Congress pursuant to subsection (d).

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services of the House of Representatives;

(B) the Committee on Armed Services of the Senate;

(C) the Committee on Transportation and Infrastructure of the House of Representatives; and

(D) the Committee on Commerce, Science, and Transportation of the Senate.

(2) COVERED AVIATION PROFESSION.—The term “covered aviation professional” means—

(A) an airman;

(B) an aircraft maintenance and repair technician;

(C) an air traffic controller; and

(D) any other aviation-related professional that has comparable tasks and duties across the civilian and military workforces, as determined jointly by the co-chairs of the working group.

SEC. 312. AIRMAN KNOWLEDGE TESTING WORKING GROUP.

(a) WORKING GROUP.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall task the Aviation Rulemaking Advisory Committee to establish a working group to review knowledge testing processes and procedures to improve the facilitation, administration, and accessibility of knowledge tests.

(b) ACTIVITIES.—The working group established pursuant to subsection (a) shall—

(1) assess methods to increase knowledge testing capacity, including through—

(A) the adoption of alternative proctoring methods; and

(B) increased utilization of pilot schools that hold a pilot school certificate under part 141 of title 14, Code of Federal Regulations, and aviation maintenance technician schools governed under part 147 of title 14, Code of Federal Regulations; and

(2) evaluate the following:

(A) The management and provision of knowledge tests by testing centers.

(B) The testing registration process for students.

(C) Student access to knowledge tests.

(D) Fees associated with knowledge tests.

(E) The accuracy of public sample knowledge tests available to students.

(F) Development and maintenance of knowledge tests and forms.

(c) MECHANIC GENERAL KNOWLEDGE TEST.—In addition to the activities under subsection (b), the Aviation Rulemaking Advisory Committee shall task the working group established pursuant to subsection (a) with assessing opportunities to allow a high school student upon successful completion of an aviation maintenance curriculum to take the general written knowledge portion of the mechanic exam described in section 65.75 of title 14, Code of Federal Regulations, at an Administration-approved testing center.

(d) REPORT.—Not later than 18 months after the Aviation Rulemaking Advisory Committee tasks the working group under subsection (a), the working group shall submit to the Administrator a final report making recommendations to improve the facilitation, administration, and accessibility of knowledge tests.

(e) DEFINITIONS.—In this section:

(1) HIGH SCHOOL.—The term “high school” has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) KNOWLEDGE TEST.—The term “knowledge test” means a test prescribed under parts 61 and 65 of title 14, Code of Federal Regulations.

(3) SECONDARY SCHOOL.—The term “secondary school” has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

SEC. 313. AIRMAN CERTIFICATION SYSTEM WORKING GROUP AND TIMELY PUBLICATION OF STANDARDS.

(a) WORKING GROUP.—The Administrator of the Federal Aviation Administration shall task the Airman Certification System Working Group established under the Aviation Rulemaking Advisory Committee of the Administration to review Airman Certification Standards to ensure that airman proficiency and knowledge correlates and corresponds to regulations, procedures, equipment, aviation infrastructure, and safety trends at the time of such review.

(b) ACS PUBLICATION.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall publish on the website of the Administration—

(1) the process by which the Airman Certification Standards are to be established, updated, and maintained;

(2) the process by which relevant guidance documents, handbooks, and test materials associated with such standards are to be established, updated, and maintained; and

(3) any anticipated or required updates to such standards, including providing a date by which such modifications can be expected to be completed and made available to the public.

SEC. 314. AIR TRAFFIC CONTROL WORKFORCE STAFFING.

(a) RESPONSIBILITY FOR CONTROLLER WORKFORCE PLAN.—

(1) AIR TRAFFIC CONTROLLER STAFFING INITIATIVES AND ANALYSIS.—Section 221 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 44506 note) is amended by striking “Administrator of the Federal Aviation Administration” and inserting “Chief Operating Officer of the Air Traffic Organization of the Federal Aviation Administration”.

(2) STAFFING REPORT.—Section 44506(e) of title 49, United States Code, is amended in the matter before paragraph (1) by striking “Administrator of the Federal Aviation Administration” and inserting “Chief Operating Officer of the Air Traffic Organization of the Federal Aviation Administration”.

(b) MAXIMUM HIRING.—Subject to the availability of appropriations, for each of fiscal years 2024 through 2027, the Administrator of the Federal Aviation Administration shall set as the hiring target for new air traffic controllers (excluding individuals described in section 44506(f)(1)(A) of title 49, United States Code) the maximum number of individuals able to be trained at the Federal Aviation Administration Academy.

(c) HIRING AND STAFFING.—The Chief Operating Officer of the Federal Aviation Administration shall revise the air traffic control hiring plans and staffing standards of the Administration to—

(1) provide that the controller and management workforce is adequately staffed to safely and efficiently manage and oversee the air traffic control system to the satisfaction of the Chief Operating Officer;

(2) account for the target number of certified professional controllers able to control traffic at each independent facility; and

(3) avoid any required or requested reduction of national airspace system capacity or aircraft operations as a result of inadequate air traffic control system staffing.

(d) INTERIM ADOPTION OF COLLABORATIVE RESOURCE WORKGROUP MODELS.—

(1) IN GENERAL.—In carrying out subsection (c) and in submitting a Controller Workforce Plan of the Administration published after the date of enactment of this Act, the Chief Operating Officer shall adopt and utilize the staffing models and methodologies developed by the Collaborative Resource Workgroup that were recommended in a report submitted to the Administrator and referenced in the Controller Workforce Plan submitted to Congress on May 5, 2023.

(2) SUNSET.—The requirement under paragraph (1) shall cease to be effective upon the adoption of a staffing model required under subsection (f).

(e) ASSESSMENT.—

(1) REVIEW.—Not later than 180 days after the date of enactment of this Act, the Administrator shall enter into an agreement with the Transportation Research Board to—

(A) compare the Administration’s staffing models and methodologies in determining staffing standards targets with those developed by the Collaborative Resource Workgroup, including—

(ii) the availability factor multiplier and other formula components; and

(iii) the independent facility staffing targets of certified professional controllers able to control traffic; and

(B) assess future needs of the air traffic control system and potential impacts on staffing standards.

(2) REPORT.—

(A) FINDINGS.—In carrying out this subsection, the Transportation Research Board shall—

(i) report to the Administrator and Congress on the findings of the review under this subsection; and

(ii) determine which staffing models and methodologies best accounts for the operational staffing needs of the air traffic control system and provide a justification for such determination.

(B) MODIFICATIONS TO IDENTIFIED MODEL.—The Transportation Research Board may make recommendations to improve the staffing model described in (2)(A)(ii).

(3) CONSULTATION.—In conducting the assessment under this subsection, the Transportation Research Board shall consult with—

(A) exclusive bargaining representatives of air traffic controllers certified under section 7111 of title 5, United States Code;

(B) Administration officials and executives;

(C) front line managers of the air traffic control system;

(D) managers and employees responsible for training air traffic controllers;

(E) the MITRE Corporation;

(F) the Chief Operating Officer of the Air Traffic Organization of the Federal Aviation Administration; and

(G) users of the air traffic control system.

(f) REQUIRED IMPLEMENTATION OF IDENTIFIED STAFFING MODEL.—The Administrator shall take such action that may be necessary to adopt and utilize the staffing model identified by the Transportation Research Board pursuant to subsection (e)(2)(A)(ii), including any recommendations for improving such model.

(g) CONTROLLER TRAINING.—In any Controller Workforce Plan of the Administration published after the date of enactment of this Act, the Chief Operating Officer shall—

(1) identify all limiting factors on the Administration’s ability to hire and train controllers in line with the staffing standards target set out in such Plan; and

(2) describe what actions the Administration will take to rectify any impediments to meeting staffing standards targets and identify contributing factors that are outside the control of the Administration.

SEC. 315. AVIATION SAFETY WORKFORCE ASSESSMENT.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall assess, on a recurring basis, staffing levels, critical competencies, and skills gaps of safety critical positions in the Flight Standards Service and Aircraft Certification Service and within other offices of the Administration that support such services.

(b) CONSIDERATIONS.—In completing the assessment described in subsection (a), the Administrator shall—

(1) evaluate the workload at the time of the assessment, historic workload, and estimated future workload of such personnel;

(2) conduct a critical competency and skills gap analysis to determine the knowledge and skill sets needed for work at the time of the assessment and anticipated work, with an emphasis on work pertaining to—

(A) new and novel aircraft propulsion and power methods;

(B) simplified vehicle operations and human factors; and

(C) autonomy, machine learning, and artificial intelligence;

(3) compare the outcome of such analysis described in paragraph (2) to the competency and skills of the workforce at the time of the assessment; and

(4) review opportunities for employees of the Administration to gain or enhance expertise, knowledge, skills, and abilities through cooperative training with appropriate companies and organizations; and

- (5) develop hiring and recruitment plans to—
 - (A) address hard to fill positions; and
 - (B) address competency and skill gaps at various levels of experience and management within Flight Standards Service and Aircraft Certification Service.

(c) **REPORT.**—Upon completion of an assessment described in subsection (a), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing the following:

- (1) The methodology and findings of the assessment described in subsection (a), including an analysis of hiring authorities of the Administration at the time of the assessment, including direct hiring authorities, by occupation series for inspector, engineer, and other safety critical positions within Flight Standards Service and Aircraft Certification Service.
- (2) Action based recommendations the Administration can take to improve—
 - (A) the Aviation Safety Workforce Plan;
 - (B) the skill sets and competencies of inspectors, engineers, and other safety critical positions at the time of the assessment;
 - (C) competition with industry and other non-aviation sectors for candidates with identified competencies and technical skill sets; and
 - (D) overall hiring and retention of inspectors, engineers, and other critical positions.
- (3) Actions Congress can take to improve the recruitment, hiring, upskilling, and retention of inspectors, engineers, and other safety critical positions in Flight Standards Service and Aircraft Certification Service and within other offices of the Administration that support such services.

(d) **SAFETY CRITICAL POSITION DEFINED.**—In this section, the term “safety critical position” means—

- (1) an aviation safety inspector, an aviation safety specialist (denoted by the Administration as 1801 series), an aviation safety technician, and an operations support position in the Flight Standards Service; and
- (2) a manufacturing safety inspector, a pilots, an engineer, a Chief Scientist Technical Advisor, an aviation safety specialist (denoted by the Administration as 1801 series), a safety technical specialist, and an operational support position in the Aircraft Certification Service.

SEC. 316. MILITARY AVIATION MAINTENANCE.

(a) **STREAMLINED CERTIFICATION FOR ELIGIBLE MILITARY MAINTENANCE TECHNICIANS.**—Not later than 1 year after the interagency working group in section 311 of this Act is convened, the Administrator of the Federal Aviation Administration shall task such working group with evaluating the appropriateness of revising part 65 of title 14, Code of Federal Regulations, to—

- (1) create a mechanic written competency test for eligible military maintenance technicians;
- (2) develop, as necessary, a relevant Airman Certification Standard to qualify eligible military maintenance technicians for a mechanic certificate issued by the Federal Aviation Administration with an airframe rating or a powerplant rating, or both; and
- (3) allow a certificate of eligibility from the Joint Services Aviation Maintenance Technician Certification Council (in this section referred to as the “JSAMTCC”) evidencing completion of a training curriculum for any rating sought to serve as a substitute to fulfill the requirement under such part 65 for oral and practical tests administered by a designated mechanic examiner for eligible military maintenance technicians.

(b) **FINAL RULE.**—If the working group finds that revising part 65 of title 14, Code of Federal Regulations, as described in section (a) is appropriate, not later than 1 year after the finding, the Administrator shall issue a final rule that revises part 65 of title 14, Code of Federal Regulations, as described in subsection (a).

(c) **AERONAUTICAL KNOWLEDGE SUBJECT AREAS.**—

(1) **IN GENERAL.**—The military mechanic written competency test and Airman Certification Standard described in subsection (a)(1) and subsection (a)(2), respectively, shall focus on the aeronautical knowledge subject areas contained in the Aviation Mechanic General, Airframe, and Powerplant Airman Certificate Standards, as appropriate to the rating sought.

(2) **IDENTIFICATION OF SUBJECT AREAS.**—The aeronautical knowledge subject areas described in paragraph (1) shall be identified in consultation with industry stakeholders and the Airman Certification System Working Group.

(d) **EXPANSION OF TESTING LOCATIONS.**—The interagency working group described in subsection (a) shall determine whether an expansion of the number of active test-

ing locations operated within military installation testing centers would increase access to testing, as well as how to implement such expansion.

(e) **OUTREACH AND AWARENESS.**—The interagency working group described in subsection (a) shall develop a plan to increase outreach and awareness regarding—

(1) the services made available by the JSAMTCC; and

(2) the military mechanic written competency test described in subsection (a), if appropriate.

(f) **ELIGIBLE MILITARY MAINTENANCE TECHNICIAN DEFINED.**—In this section, the term “eligible military maintenance technician” means an individual who is a current or former military aviation maintenance technician who was honorably discharged or has retired from the armed forces (as such term is defined in section 101 of title 10, United States Code).

Subtitle C—Engaging and Retaining the Workforce

SEC. 321. AIRMAN’S MEDICAL BILL OF RIGHTS.

(a) **IN GENERAL.**—

(1) **DEVELOPMENT.**—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a document (in this section referred to as the “Airman’s Medical Bill of Rights”) detailing the right of an individual before, during, and after a medical exam conducted by an Aviation Medical Examiner.

(2) **CONTENTS.**—The Airman’s Medical Bill of Rights required under paragraph (1) shall, at a minimum, contain information about the right of an individual to—

(A) bring a trusted companion or request to have a chaperone present for a medical exam;

(B) terminate an exam at any time and for any reason;

(C) receive care with respect and recognition of the dignity of the individual;

(D) be assured of privacy and confidentiality;

(E) select an Aviation Medical Examiner without interference;

(F) privacy when changing, undressing, and using the restroom;

(G) ask questions about the health status of the individual or any suggested treatments or evaluations, and to have such questions fully answered;

(H) report an incident of misconduct by an Aviation Medical Examiner to the appropriate authorities, including to the State licensing board of the Aviation Medical Examiner or the Federal Aviation Administration;

(I) report to the Administrator an allegation regarding alleged Aviation Medical Examiner misconduct without fear of retaliation or negative action relating to an airman certificate of the individual; and

(J) be advised of any known conflicts of interest an Aviation Medical Examiner may have with respect to the care of the individual.

(3) **PUBLIC AVAILABILITY.**—The Airman’s Medical Bill of Rights required under paragraph (1) shall be—

(A) made available to, and acknowledged by, an individual in the MedXpress system;

(B) made available in a hard-copy format by an Aviation Medical Examiner at the time of exam upon request by an individual; and

(C) displayed in a common space in the office of the Aviation Medical Examiner.

(b) **EXPECTATIONS FOR MEDICAL EXAMINATIONS.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop a simplified document explaining the standard procedures performed during a medical examination conducted by an Aviation Medical Examiner.

(2) **PUBLIC AVAILABILITY.**—The document required under paragraph (1) shall be—

(A) made available to, and acknowledged by, an individual in the MedXpress system;

(B) made available in a hard-copy format by an Aviation Medical Examiner at the time of exam upon request by an individual; and

(C) displayed in a common space in the office of the Aviation Medical Examiner.

SEC. 322. IMPROVED DESIGNEE MISCONDUCT REPORTING PROCESS.**(a) IMPROVED DESIGNEE MISCONDUCT REPORTING PROCESS.—**

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a streamlined process for individuals involved in incidents of alleged misconduct by a designee to report such incidents in a manner that protects the privacy and confidentiality of such individuals.

(2) **PUBLIC ACCESS TO REPORTING PROCESS.**—The process for reporting alleged misconduct by a designee shall be made available to the public on the website of the Administration, including—

- (A) the designee locator search webpage; and
- (B) the webpage of the Office of Audit and Evaluation of the Federal Aviation Administration.

(3) **OBLIGATION TO REPORT CRIMINAL CHARGES.**—Not later than 90 days after the date of enactment of this Act, the Administrator shall revise the orders and policies governing the Designee Management System to clarify that designees are obligated to report any arrest, indictment, or conviction for violation of a local, State, or Federal law within a period of time specified by the Administrator.

(4) AUDIT OF REPORTING PROCESS BY INSPECTOR GENERAL.—

(A) **IN GENERAL.**—Not later than 3 years after the date on which the Administrator finalizes the update of the reporting process under paragraph (1), the inspector general of the Department of Transportation shall conduct an audit of such reporting process.

(B) **CONTENTS.**—In conducting the audit of the reporting process described in subparagraph (A), the inspector general shall, at a minimum—

- (i) review the efforts of the Administration to improve the reporting process and solutions developed to respond to and investigate allegations of misconduct;
- (ii) analyze reports of misconduct brought to the Administrator prior to any changes made to the reporting process as a result of the enactment of this Act, including the ultimate outcomes of those reports and whether any reports resulted in the Administrator taking action against the accused designee;
- (iii) determine whether the reporting process results in appropriate action, including reviewing, investigating, and closing out reports; and
- (iv) if applicable, make recommendations to improve the reporting process.

(C) **REPORT.**—Not later than 1 year after the date of initiation of the audit described in subparagraph (A), the inspector general shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of such audit, including findings and recommendations.

(b) **DESIGNEE DEFINED.**—In this section, the term “designee” means an individual who has been designated to act as a representative of the Administrator as—

- (1) an Aviation Medical Examiner (as described in section 183.21 of title 14, Code of Federal Regulations);
- (2) a pilot examiner (as described in section 183.23 of such title); or
- (3) a technical personnel examiner (as described in section 183.25 of such title).

SEC. 323. REPORT ON SAFE UNIFORM OPTIONS FOR CERTAIN AVIATION EMPLOYEES.

(a) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall conduct a review to determine whether air carriers operating under part 121 of title 14, Code of Federal Regulations, and repair stations certificated under part 145 of such title have in place uniform policies and uniform offerings that ensure pregnant employees can perform required duties safely.

(b) **CONSULTATION.**—In conducting the review required under subsection (a), the Administrator shall consult with air carriers and repair stations described in subsection (a) and employees of such air carriers and such stations who are required to adhere to a uniform policy.

(c) **BRIEFING.**—Not later than 2 years after the date of enactment of this Act, the Administrator shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the results of the review required under subsection (a).

SEC. 324. EXTENSION OF SAMYA ROSE STUMO NATIONAL AIR GRANT FELLOWSHIP PROGRAM.

Section 131(d) of the Aircraft Certification, Safety, and Accountability Act (49 U.S.C. 40101 note) is amended by striking “fiscal years 2021 through 2025” and inserting “fiscal years 2023 through 2028”.

SEC. 325. PROMOTION OF CIVIL AERONAUTICS AND SAFETY OF AIR COMMERCE.

Section 40104 of title 49, United States Code, is amended—

- (1) in subsection (a) by striking “In carrying out” and all that follows through “other interested organizations.”;
- (2) by redesignating subsection (d) as subsection (e);
- (3) by redesignating subsection (b) as subsection (d); and
- (4) by redesignating subsection (c) as subsection (b) and reordering the subsections accordingly.

SEC. 326. EDUCATIONAL AND PROFESSIONAL DEVELOPMENT.

Section 40104 of title 49, United States Code, is further amended by inserting after subsection (b) (as redesignated by section 325) the following:

“(c) EDUCATIONAL AND PROFESSIONAL DEVELOPMENT.—

“(1) IN GENERAL.—In carrying out subsection (a), the Administrator shall support and undertake efforts, including through the National Center for the Advancement of Aerospace, to promote and support the education of current and future aerospace professionals.

“(2) EDUCATION MATERIALS.—Based on the availability of resources, the Administrator shall distribute civil aviation information, and educational materials, and provide expertise to State and local school administrators, college and university officials, and officers of other interested organizations and entities.

“(3) SUPPORT FOR PROFESSIONAL DEVELOPMENT AND CONTINUING EDUCATION.—To the extent a nonprofit organization, association, industry group, educational institution, collective bargaining unit, governmental organization, or other entity that organizes or hosts a lecture, conference, convention, meeting, round table, or any other type of program with the purpose of sharing educational information related to aerospace with a broad audience, the Administrator shall—

“(A) strongly consider accepting an invitation to attend, present, and contribute to content generation; and

“(B) make efforts to share information each year, putting a particular emphasis on reaching audiences consisting of representatives of the Administrator and entities regulated entities by the Administrator.

“(4) CONTENT.—In planning for the opportunities under paragraph (3), the Administrator shall maintain presentations and content covering topics of broad relevance, including—

“(A) ethical decision-making and the responsibilities of aerospace professionals;

“(B) managing a workforce, encouraging proper reporting of prospective safety issues, and educating employees on safety management systems; and

“(C) responsibilities as a designee or representative of the Administrator.”.

SEC. 327. HUMAN FACTORS PROFESSIONALS.

The Administrator of the Federal Aviation Administration shall establish a new work code for human factors professionals who—

- (1) perform work involving the design and testing of technologies, processes, and systems which require effective and safe human performance;
- (2) generate and apply theories, principles, practical concepts, systems, and processes related to the design and testing of technologies, systems, and training programs to support and evaluate human performance in work contexts; and
- (3) meet education or experience requirements as determined by the Administrator.

SEC. 328. AEROMEDICAL INNOVATION AND MODERNIZATION WORKING GROUP.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a working group (in this section referred to as the “working group”) to review the medical processes, policies, and procedures of the Administration and to make recommendations to the Administrator on modernizing such processes, policies, and procedures to ensure timely and efficient certification of airmen.

(b) MEMBERSHIP.—

- (1) IN GENERAL.—The working group shall consist of—
 - (A) 2 co-chairs described in paragraph (2); and

- (B) not less than 15 individuals appointed by the Administrator, each of whom shall have knowledge or a background in aerospace medicine, psychology, neurology, cardiology, or internal medicine.
- (2) CO-CHAIRS.—The working group shall be co-chaired by—
- (A) the Federal Air Surgeon of the Federal Aviation Administration; and
 - (B) a member described under paragraph (1)(A) to be selected by members of the working group.
- (3) PREFERENCE.—The Administrator, in appointing members pursuant to paragraph (1)(B), shall give preference to—
- (A) Aviation Medical Examiners (as described in section 183.21 of title 14, Code of Federal Regulations);
 - (B) licensed medical physicians;
 - (C) practitioners holding a pilot certificate;
 - (D) individuals having demonstrated research and expertise in aeromedical research or sciences; and
 - (E) representatives of organizations with memberships affected by the medical processes, policies, and procedures of the Administration.
- (c) ACTIVITIES.—In reviewing the aeromedical decision-making processes, policies, and procedures of the Administration in accordance with subsection (a), the working group, at a minimum, shall—
- (1) assess the medical conditions an Aviation Medical Examiner may issue a medical certificate directly to an individual;
 - (2) determine the appropriateness of expanding the list of such medical conditions;
 - (3) assess the special issuance process;
 - (4) determine whether the renewal of a special issuance can be based on a medical evaluation and treatment plan by the treating medical specialist of the individual with concurrence from an Aviation Medical Examiner;
 - (5) evaluate advancements in technologies to address forms of red-green color blindness;
 - (6) determine whether such technologies may be approved for use by airmen;
 - (7) review policies and guidance relating to Attention-Deficit Hyperactivity Disorder and Attention Deficit Disorder;
 - (8) evaluate whether medications used to treat such disorders may be safely prescribed to an airman;
 - (9) review protocols pertaining to the Human Intervention Motivation Study of the Federal Aviation Administration;
 - (10) review protocols and policies relating to—
 - (A) neurological disorders; and
 - (B) cardiovascular conditions to ensure alignment with medical best practices, latest research;
 - (11) review mental health protocols, including mental health conditions such as depression and anxiety;
 - (12) evaluate medications approved for treating such mental health conditions;
 - (13) assess processes and protocols pertaining to recertification of an airman receiving disability insurance post-recovery from the medical condition, injury, or disability that precludes an airman from exercising the privileges of an airman certificate; and
 - (14) assess processes and protocols pertaining to the certification of veterans reporting a disability rating from the Department of Veterans Affairs.
- (d) PILOT MENTAL HEALTH TASK GROUP.—
- (1) ESTABLISHMENT.—Not later than 120 days after the working group pursuant to subsection (a) is established, the co-chairs of such working groups shall establish a pilot mental health task group (referred to in this subsection as the “task group”) to develop and provide recommendations related to supporting the mental health of aircraft pilots.
 - (2) COMPOSITION.—The co-chairs of such working group shall appoint—
 - (A) a Chair of the task group; and
 - (B) members of the task group from among the members of the working group appointed by the Administrator under subsection (b)(1).
 - (3) DUTIES.—The duties of the task group shall include—
 - (A) carrying out the activities described in subsection (c)(11) and subsection (c)(12);
 - (B) reviewing and evaluating guidance issued by the International Civil Aviation Organization on pilot mental health; and
 - (C) providing recommendations for—

- (i) best practices for detecting, assessing, and reporting mental health conditions and treatment options as part of pilot aeromedical assessments;
 - (ii) improving the training of aviation medical examiners to identify mental health conditions among pilots, including guidance on referrals to a mental health provider or other aeromedical resource;
 - (iii) expanding and improving mental health outreach, education, and assistance programs for pilots; and
 - (iv) reducing the stigma of assistance for mental health in the aviation industry.
- (4) REPORT.—Not later than 2 years after the date of the establishment of the task group, the task group shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report detailing—
- (A) the results of the review and evaluation under paragraph (3)(A); and
 - (B) recommendations developed pursuant to paragraph (3)(C).
- (d) SUPPORT.—The Administrator shall seek to enter into one or more agreements with the National Academies to support the activities of the working group described in subsection (c).
- (e) FINDINGS; RECOMMENDATIONS.—
- (1) FINDINGS.—The working group shall report annually to the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate on findings resulting from the activities carried out pursuant to subsection (c).
 - (2) RECOMMENDATIONS.—Findings reported pursuant to paragraph (1) shall be accompanied by recommendations for regulatory, policy, or legislative action to improve or modernize the medical certification and aeromedical processes, procedures, and policies of the Administration.
- (f) IMPLEMENTATION.—The Administrator shall implement, as appropriate, the recommendations of the working group.
- (g) SUNSET.—The working group shall terminate on September 30, 2028.

SEC. 329. FRONTLINE MANAGER WORKLOAD STUDY.

- (a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Chief Operating Officer of the Air Traffic Organization of the Federal Aviation Administration shall conduct a study on frontline manager workload challenges in air traffic control facilities.
- (b) CONSIDERATIONS.—In conducting the study required under subsection (a), the Chief Operating Officer may—
- (1) consider—
 - (A) workload challenges including—
 - (i) the managerial tasks expected to be performed by frontline managers, including employee development, management, and counseling;
 - (ii) the number of supervisory positions of operations requiring watch coverage in each air traffic control facility;
 - (iii) the complexity of traffic and managerial responsibilities; and
 - (iv) proficiency and training requirements;
 - (B) facility type;
 - (C) facility staffing levels; and
 - (D) any other factors as the Chief Operating Officer considers appropriate; and
 - (2) describe recommendations for updates to the Frontline Manager’s Quick Reference Guide that reflect current operational standards.
- (c) BRIEFING.—Not later than 3 years after the date of enactment of this Act, the Chief Operating Officer shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the results of the study conducted under subsection (a).

SEC. 330. AGE STANDARDS FOR PILOTS.

Section 44729 of title 49, United States Code, is amended—

- (1) in subsection (a)—
 - (A) by striking “Subject to the limitation in subsection (c), a” and inserting “A”; and
 - (B) by striking “65” and inserting “67”;
- (2) in subsection (b)(1) by striking “; or” and inserting “, unless the operation takes place in airspace where such operations are not permitted; or”;

- (3) by striking subsection (c) and redesignating subsections (d) through (h) as subsections (c) through (g), respectively;
- (4) in subsection (c), as so redesignated—
 - (A) in the heading by striking “60” and inserting “65”;
 - (B) by striking “the date of enactment of this section,” and inserting “the date of enactment of the Securing Growth and Robust Leadership in American Aviation Act,”;
 - (C) by striking “section 121.383(c)” and inserting “subsections (d) and (e) of section 121.383”; and
 - (D) by inserting “(or any successor regulations)” after “Regulations”;
- (5) in subsection (d), as so redesignated—
 - (A) by striking paragraph (1) and inserting the following:

“(1) RETROACTIVITY.—A person who has attained 65 years of age on or before the date of enactment of the Securing Growth and Robust Leadership in American Aviation Act may return to service as a pilot for an air carrier engaged in covered operations.”; and
 - (B) in paragraph (2) by striking “section, taken in conformance with a regulation issued to carry out this section, or taken prior to the date of enactment of this section in conformance with section 121.383(c) of title 14, Code of Federal Regulations (as in effect before such date of enactment), may” and inserting “section or taken in conformance with a regulation issued to carry out this section, may”; and
- (6) by adding at the end the following:

“(h) SAVINGS CLAUSE.—An air carrier engaged in covered operations described in subsection (b)(1) on or after the date of enactment of the Securing Growth and Robust Leadership in American Aviation Act may not require employed pilots to serve in such covered operations after attaining 65 years of age.”.

TITLE IV—AIRPORT INFRASTRUCTURE

Subtitle A—Airport Improvement Program Modifications

SEC. 401. AIP DEFINITIONS.

- (a) IN GENERAL.—Section 47102 of title 49, United States Code, is amended—
 - (1) by striking paragraph (1) and inserting the following:

“(1) ‘air carrier’ has the meaning given the term in section 40102.”;
 - (2) in paragraph (3)—
 - (A) in subparagraph (A)—
 - (i) in clause (i) by striking “and” at the end;
 - (ii) in clause (ii) by striking the period at the end and inserting “and”; and
 - (iii) by adding at the end the following:

“(iii) a secondary runway at a nonhub airport that is equivalent in size and type to the primary runway of such airport.”;
 - (B) in subparagraph (B)(iii) by inserting “and fuel infrastructure” after “surveillance equipment”;
 - (C) in subparagraph (E) by striking “after December 31, 1991,”;
 - (D) in subparagraph (K) by striking “if the airport is located in an air quality nonattainment or maintenance area (as defined in sections 171(2) and 175A of the Clean Air Act (42 U.S.C. 7501(2); 7505a)) and if the airport would be able to receive emission credits, as described in section 47139”;
 - (E) in subparagraph (L) by striking “the airport is located in an air quality nonattainment or maintenance area (as defined in sections 171(2) and 175A of the Clean Air Act (42 U.S.C. 7501(2); 7505a)), if the airport would be able to receive appropriate emission credits (as described in section 47139), and”;
 - (F) in subparagraph (P) by striking “improve the reliability and efficiency of the airport’s power supply” and inserting “improve reliability and efficiency of the airport’s power supply or meet current and future electrical power demand”; and
 - (G) by adding at the end the following:

“(S) construction or renovation of childcare facilities for the exclusive use of airport employees or other individuals who work on airport property, including for air carriers and airport concessionaires.

“(T) advanced digital construction management systems and related technology used in the planning, design and engineering, construction, operations, and maintenance of airport facilities.

“(U) an improvement of any runway, taxiway, or apron that would be necessary to sustain commercial service flight operations or permit the resumption of flight operations under visual flight rules following a natural disaster at—

“(i) a primary airport; or

“(ii) a general aviation airport that is designated as a Federal staging area by the Administrator of the Federal Emergency Management Agency.

“(V) any other activity that the Secretary concludes will reasonably improve or contribute to the maintenance of the safety, efficiency, or capacity of the airport.”;

(3) in paragraph (5) by inserting after subparagraph (C) the following:

“(D) assessing current and future electrical power demand.”;

(4) by redesignating paragraphs (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (27), and (28) as paragraphs (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (27), (28), and (29), respectively;

(5) by inserting after paragraph (8) the following:

“(9) ‘heliport’—

“(A) means an area of land, water, or structure used or intended to be used for the landing or takeoff of aircraft capable of vertical takeoff and landing profiles; and

“(B) includes a vertiport.”;

(6) in paragraph (28) (as so redesignated) by striking “the Trust Territory of the Pacific Islands.”;

(7) in paragraph (29)(B) (as so redesignated) by striking “described in section 47119(a)(1)(B)” and inserting “for moving passengers and baggage between terminal facilities and between terminal facilities and aircraft”; and

(8) by adding at the end the following:

“(30) ‘vertiport’ means an area of land, water, or structure used or intended to be used for the landing or takeoff of powered-lift aircraft capable of vertical takeoff and landing profiles.”.

(b) CONFORMING AMENDMENT.—Section 47127(a) of title 49, United States Code, is amended by striking “air carrier airport” and inserting “commercial service airport”.

SEC. 402. REVENUE DIVERSION PENALTY ENHANCEMENT.

(a) IN GENERAL.—Section 47107 of title 49, United States Code, is amended—

(1) in subsection (m)(4) by striking “an amount equal to” and inserting “an amount equal to double”; and

(2) in subsection (n)(1) by striking “an amount equal to” and inserting “an amount equal to double”.

(b) APPLICABILITY.—The amendments made by subsection (a) shall not apply to any illegal diversion of airport revenues (as described in section 47107(m) of title 49, United States Code) that occurred prior to the date of enactment of this Act.

SEC. 403. EXTENSION OF COMPETITIVE ACCESS REPORT REQUIREMENT.

Section 47107(r)(3) of title 49, United States Code, is amended by striking “2023” and inserting “2028”.

SEC. 404. RENEWAL OF CERTAIN LEASES.

Section 47107(t)(2) of title 49, United States Code, is amended—

(1) in subparagraph (A) by striking “the date of enactment of this subsection” and inserting “October 7, 2016”; and

(2) by striking subparagraph (D) and inserting the following:

“(D) that—

“(i) supports the operation of military aircraft by the Air Force or Air National Guard—

“(I) at the airport; or

“(II) remotely from the airport; or

“(ii) is for the use of nonaeronautical land or facilities of the airport by the National Guard.”.

SEC. 405. COMMUNITY USE OF AIRPORT LAND.

Section 47107(v) of title 49, United States Code, is amended to read as follows:

“(v) COMMUNITY USE OF AIRPORT LAND.—

“(1) IN GENERAL.—Notwithstanding subsections (a)(13), (b), and (c), and subject to paragraph (2), the sponsor of a public-use airport shall not be considered

to be in violation of this subtitle, or to be found in violation of a grant assurance made under this section, or under any other provision of law, as a condition for the receipt of Federal financial assistance for airport development, solely because the sponsor has—

“(A) entered into an agreement, including a revised agreement, with a local government providing for the use of airport property for an interim compatible recreational purpose at below fair market value; or

“(B) permanently restricted the use of airport property to compatible recreational and public park use without paying or otherwise obtaining payment of fair market value for the property.

“(2) RESTRICTIONS.—

“(A) INTERIM COMPATIBLE RECREATIONAL PURPOSE.—Paragraph (1) shall apply, with respect to a sponsor that has taken the action described in subparagraph (A) of such paragraph, only—

“(i) to an agreement regarding airport property that was initially entered into before the publication of the Federal Aviation Administration’s Policy and Procedures Concerning the Use of Airport Revenue, dated February 16, 1999;

“(ii) if the agreement between the sponsor and the local government is subordinate to any existing or future agreements between the sponsor and the Secretary, including agreements related to a grant assurance under this section;

“(iii) to airport property that was acquired under a Federal airport development grant program;

“(iv) if the airport sponsor has provided a written statement to the Administrator that the property made available for a recreational purpose will not be needed for any aeronautical purpose during the next 10 years;

“(v) if the agreement includes a term of not more than 2 years to prepare the airport property for the interim compatible recreational purpose and not more than 10 years of use for that purpose;

“(vi) if the recreational purpose will not impact the aeronautical use of the airport;

“(vii) if the airport sponsor provides a certification that the sponsor is not responsible for preparation, startup, operations, maintenance, or any other costs associated with the recreational purpose; and

“(viii) if the recreational purpose is consistent with Federal land use compatibility criteria under section 47502.

“(B) PERMANENT RECREATIONAL USE.—Paragraph (1) shall apply, with respect to a sponsor that has taken the action described in subparagraph (B) of such paragraph, only—

“(i) to airport property that was purchased using funds from a Federal grant for acquiring land issued prior to December 30, 1987;

“(ii) to airport property that has been continuously used as a recreational and public park since January 1, 1995;

“(iii) if the airport sponsor has provided a written statement to the Administrator that the property to be permanently restricted for recreational and public park use is not needed for any aeronautical use at the time the written statement is provided and is not expected to be needed for any aeronautical use at any time after such statement is provided;

“(iv) if the recreational and public park use does not impact the aeronautical use of the airport;

“(v) if the airport sponsor provides a certification that the sponsor is not responsible for operations, maintenance, or any other costs associated with the recreational and public park use;

“(vi) if the recreational purpose is consistent with Federal land use compatibility criteria under section 47502;

“(vii) if, in the event the airport sponsor leases the property, the lease will be to a local government entity or nonprofit entity to operate and maintain the property at no cost the airport sponsor; and

“(viii) if, in the event the airport sponsor sells the property, the sale will be to a local government entity and subject to a permanent deed restriction ensuring compatible airport use under regulations issued pursuant to section 47502.

“(3) REVENUE FROM CERTAIN SALES OF AIRPORT PROPERTY.—Notwithstanding any other provision of law, an airport sponsor selling a portion of airport property as described in paragraph (2)(B)(viii)(II) may—

“(A) sell such portion of airport property for less than fair market value; and

“(B) subject to the requirements of subsection (b), retain the revenue from the sale of such portion of airport property.

“(4) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed as permitting a diversion of airport revenue for the capital or operating costs associated with the community use of airport land.”.

SEC. 406. PRICE ADJUSTMENT PROVISIONS.

Section 47108 of title 49, United States Code, is amended—

(1) in subsection (a) by striking “47114(d)(3)(A) of this title” and inserting “47114(d)(2)(A)”;

(2) by striking subsection (b) and inserting the following:

“(b) INCREASING GOVERNMENT SHARE.—

“(1) IN GENERAL.—Except as provided in paragraph (2) or (3), the amount stated in an offer as the maximum amount the Government will pay may not be increased when the offer has been accepted in writing.

“(2) EXCEPTION.—For a project receiving assistance under a grant approved under this chapter or chapter 475, the amount may be increased—

“(A) for an airport development project, by not more than 15 percent; and

“(B) to acquire an interest in land for an airport (except a primary airport), by not more than the greater of the following, based on current credible appraisals or a court award in a condemnation proceeding:

“(i) 15 percent; or

“(ii) 25 percent of the total increase in allowable project costs attributable to acquiring an interest in land.

“(3) PRICE ADJUSTMENT PROVISIONS.—

“(A) IN GENERAL.—The Secretary may incorporate a provision in a project grant agreement under which the Secretary agrees to pay more than the maximum amount otherwise specified in the agreement if the Secretary finds that commodity or labor prices have increased since the agreement was made.

“(B) DECREASE IN COSTS.—A provision incorporated in a project grant agreement under this paragraph shall ensure that the Secretary realizes any financial benefit associated with a decrease in material or labor costs for the project.”;

(3) by striking subsection (c); and

(4) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 407. ALLOWABLE PROJECT COSTS AND LETTERS OF INTENT.

Section 47110 of title 49, United States Code, is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1) by striking “after May 13, 1946, and”; and

(B) in paragraph (1)—

(i) by inserting “or preparing for” after “formulating”; and

(ii) by inserting “utility relocation, work site preparation,” before “and administration”;

(2) in subsection (d)(1) by striking “section 47114(c)(1) or 47114(d)” and inserting “section 47114 or distributed from the small airport fund under section 47116”;

(3) in subsection (e)(2)(C) by striking “commercial service airport having at least 0.25 percent of the boardings each year at all such airports” and inserting “medium hub airport or large hub airport”;

(4) in subsection (h) by striking “section 47114(d)(3)(A)” and inserting “section 47114(c)(1)(D) or section 47114(d)(2)(A)”;

(5) by striking subsection (i).

SEC. 408. SMALL AIRPORT LETTERS OF INTENT.

(a) IN GENERAL.—Section 47110 of title 49, United States Code, is further amended by adding at the end the following:

“(i) SMALL AIRPORT LETTERS OF INTENT.—

“(1) IN GENERAL.—The Secretary may issue a letter of intent to a sponsor stating an intention to obligate an amount from future budget authority for an airport development project (including costs of formulating the project) at a nonhub airport or an airport that is not a primary airport. The letter shall establish a schedule under which the Secretary will reimburse the sponsor for the Government’s share of allowable project costs, as amounts become available, if

the sponsor, after the Secretary issues the letter, carries out the project without receiving amounts under this subchapter.

“(2) LIMITATIONS.—The amount the Secretary intends to obligate in a letter of intent issued under this subsection shall not exceed the larger of—

“(A) the Government’s share of allowable project costs; or

“(B) \$10,000,000.

“(3) FINANCING.—Allowable project costs under paragraph (1) may include costs associated with making payments for debt service on indebtedness incurred to carry out the project.

“(4) REQUIREMENTS.—The Secretary shall only issue a letter of intent under paragraph (1) if—

“(A) the sponsor notifies the Secretary, before the project begins, of the sponsor’s intent to carry out the project and requests a letter of intent; and

“(B) the sponsor agrees to comply with all statutory and administrative requirements that would apply to the project if it were carried out with amounts made available under this subchapter.

“(5) ASSESSMENT.—In reviewing a request for a letter of intent under this subsection, the Secretary shall consider the grant history of an airport, the airport’s enplanements or operations, and such other factors as the Secretary determines appropriate.

“(6) PRIORITIZATION.—In issuing letters of intent under this subsection, the Secretary shall—

“(A) prioritize projects that—

“(i) cannot reasonably be funded by an airport sponsor using funds apportioned under section 47114(c), 47114(d)(2)(A)(i), or 47114(d)(6), including funds apportioned under those sections in multiple fiscal years pursuant to section 47117(b)(1); and

“(ii) are necessary to an airport’s continued safe operation or development; and

“(B) structure the reimbursement schedules under such letters in a manner that minimizes unnecessary or undesirable project segmentation.

“(7) REQUIRED USE.—

“(A) IN GENERAL.—Beginning in fiscal year 2028, and in each fiscal year thereafter, the Secretary shall ensure that not less than \$100,000,000 is committed to be reimbursed in such fiscal year pursuant to letters of intent issued under this subsection.

“(B) WAIVER.—The Secretary may waive the requirement under subparagraph (A) for a fiscal year if the Secretary determines there are insufficient letter of intent requests that meet the requirements of paragraph (4). Upon such waiver, the Secretary shall provide a briefing to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the reasons contributing to the need for such waiver and the actions the Secretary intends to take to ensure that there are sufficient letter of intent requests that meet the requirements of paragraph (4) in the fiscal year succeeding the fiscal year for which the Secretary issued such waiver.

“(C) RESTRICTION.—The total estimated amount of future Government obligations covered by all outstanding letters of intent under paragraph (1) may not be more than the amount authorized to carry out section 48103 of this title, less an amount reasonably estimated by the Secretary to be needed for grants under section 48103 that are not covered by a letter.

“(8) NO OBLIGATION OR COMMITMENT.—A letter of intent issued under this subsection is not an obligation of the Government under section 1501 of title 31, and the letter is not deemed to be an administrative commitment for financing. An obligation or administrative commitment may be made only as amounts are provided in authorization and appropriation laws.

“(9) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to prohibit the obligation of amounts pursuant to a letter of intent under this subsection in the same fiscal year as the letter of intent is issued.”.

(b) CONFORMING AMENDMENTS.—

(1) LETTERS OF INTENT.—Section 47110(e)(7) of title 49, United States Code, is amended by striking “under this section” and inserting “under this subsection”.

(2) PRIORITY FOR LETTERS OF INTENT.—Section 47115(h) of title 49, United States Code, is amended by inserting “prior to fulfilling intentions to obligate under section 47110(i)” after “section 47110(e)”.

SEC. 409. PROHIBITION ON USE OF AIP FUNDS TO PROCURE CERTAIN PASSENGER BOARDING BRIDGES.

Section 47110 of title 49, United States Code, is further amended by adding at the end the following:

“(j) **ADDITIONAL NONALLOWABLE COSTS.**—

“(1) **IN GENERAL.**—A cost is not an allowable airport development project cost under this chapter if the cost relates to a contract for procurement or installation of a passenger boarding bridge if the contract is with an entity on the list required under paragraph (2).

“(2) **REQUIRED LIST.**—Not later than 30 days after the date of enactment of this subsection, the Secretary shall, based on information provided by the United States Trade Representative and the Attorney General, publish and annually update a list of entities manufacturing airport passenger boarding bridges—

“(A) that are owned, directed, or subsidized by the People’s Republic of China; and

“(B) that—

“(i) have been determined by a Federal court to have misappropriated intellectual property or trade secrets from an entity organized under the laws of the United States or any jurisdiction within the United States; or

“(ii) own or control, are owned or controlled by, are under common ownership or control with, or are successors to, an entity described in clause (i).”.

SEC. 410. FUEL INFRASTRUCTURE.

Section 47110 of title 49, United States Code, is further amended by adding at the end the following:

“(k) **FUEL INFRASTRUCTURE.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary may decide that covered costs are allowable for an airport development project at a primary or nonprimary airport where such costs are paid for with funds apportioned to the sponsor of such airport under section 47114 or provided pursuant to section 47115.

“(2) **PRIORITIZATION.**—If the Secretary makes grants from the discretionary fund under section 47115 for covered costs, the Secretary shall prioritize providing such grants to general aviation airports.

“(3) **COVERED COSTS DEFINED.**—In this subsection, the term ‘covered costs’—

“(A) means construction costs related to an airport-owned—

“(i) aeronautical fueling system for unleaded fuel; and

“(ii) fueling systems for type certificated hydrogen-powered aircraft;

and

“(B) may include capital costs for fuel farms and other equipment and infrastructure used for the delivery and storage of fuel.”.

SEC. 411. APPORTIONMENTS.

(a) **PRIMARY, COMMERCIAL SERVICE, AND CARGO AIRPORTS.**—

(1) **PRIMARY AND COMMERCIAL SERVICE AIRPORTS.**—Section 47114(c)(1) of title 49, United States Code, is amended to read as follows:

“(1) **PRIMARY AND COMMERCIAL SERVICE AIRPORTS.**—

“(A) **PRIMARY AIRPORT APPORTIONMENT.**—The Secretary shall apportion to the sponsor of each primary airport for each fiscal year an amount equal to—

“(i) \$15.60 for each of the first 50,000 passenger boardings at the airport during the prior calendar year;

“(ii) \$10.40 for each of the next 50,000 passenger boardings at the airport during the prior calendar year;

“(iii) \$5.20 for each of the next 400,000 passenger boardings at the airport during the prior calendar year;

“(iv) \$1.30 for each of the next 500,000 passenger boardings at the airport during the prior calendar year; and

“(v) \$1.00 for each additional passenger boarding at the airport during the prior calendar year.

“(B) **MINIMUM AND MAXIMUM APPORTIONMENTS.**—Not less than \$1,300,000 nor more than \$22,000,000 may be apportioned under subparagraph (A) to an airport sponsor for a primary airport for each fiscal year.

“(C) **NEW AIRPORT.**—Notwithstanding subparagraph (A), the Secretary shall apportion in the first fiscal year following the official opening of a new airport with scheduled passenger air transportation an amount equal to \$1,300,000 to the sponsor of such airport.

- “(D) NONPRIMARY COMMERCIAL SERVICE AIRPORT APPORTIONMENT.—
- “(i) IN GENERAL.—The Secretary shall apportion to each commercial service airport that is not a primary airport an amount equal to—
- “(I) \$60 for each of the first 2,500 passenger boardings at the airport during the prior calendar year; and
- “(II) \$153.33 for each of the next 7,499 passenger boardings at the airport during the prior calendar year.
- “(ii) APPLICABILITY.—Paragraphs (4) and (5) of subsection (d) shall apply to funds apportioned under this subparagraph.
- “(E) SPECIAL RULE FOR AIR RESERVE STATIONS.—Notwithstanding section 47102, the Secretary shall consider a public-use airport that is co-located with an air reserve station to be a primary airport for purposes of this chapter.
- “(F) SPECIAL RULE FOR FISCAL YEARS 2024 AND 2025.—Notwithstanding any other provision of this paragraph or the absence of scheduled passenger service at an airport, the Secretary shall apportion in fiscal years 2024 and 2025 to the sponsor of an airport an amount based on the number of passenger boardings at the airport during whichever of the following years that would result in the highest apportioned amount under this paragraph:
- “(i) Calendar year 2018.
- “(ii) Calendar year 2019.
- “(iii) The prior full calendar year prior to the current fiscal year.”.
- (2) CARGO AIRPORTS.—Section 47114(c)(2) of title 49, United States Code, is amended—
- (A) in subparagraph (A)—
- (i) by striking “3.5” and inserting “4”; and
- (ii) by striking “100,000,000 pounds” and inserting “25,000,000 pounds”;
- (B) by striking subparagraph (C); and
- (C) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.
- (b) GENERAL AVIATION AIRPORTS.—Section 47114(d) of title 49, United States Code, is amended—
- (1) in paragraph (3)—
- (A) in the heading by striking “SPECIAL RULE” and inserting “APPORTIONMENT”;
- (B) by striking “excluding primary airports but including reliever and nonprimary commercial service airports” each place it appears and inserting “excluding commercial service airports but including reliever airports”;
- (C) in the matter preceding subparagraph (A) by striking “20 percent” and inserting “25 percent”; and
- (D) by striking subparagraphs (C) and (D) and inserting the following:
- “(C) An airport that has previously been listed as unclassified under the national plan of integrated airport systems that has reestablished the classified status of such airport as of the date of apportionment shall be eligible to accrue apportionment funds pursuant to subparagraph (A) so long as such airport retains such classified status.”;
- (2) in paragraph (4)—
- (A) in the heading by striking “AIRPORTS IN ALASKA, PUERTO RICO, AND HAWAII” and inserting “AIRPORTS IN NONCONTIGUOUS STATES AND TERRITORIES”;
- (B) by striking “An amount apportioned under paragraph (2) or (3)” and inserting the following:
- “(A) ALASKA, PUERTO RICO, AND HAWAII.—An amount apportioned under this subsection”; and
- (C) by adding at the end the following:
- “(B) OTHER TERRITORIES.—An amount apportioned under paragraph (2)(B)(i) may be made available by the Secretary for any public-use airport in Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands if the Secretary determines that there are insufficient qualified grant applications for projects at airports that are otherwise eligible for funding under that paragraph. The Secretary shall prioritize the use of such amounts in the territory the amount was originally apportioned in.”;
- (3) in paragraph (5) by inserting “or subsection (c)(1)(D)” after “under this subsection”;
- (4) in paragraph (6)—
- (A) by striking “provision of this subsection” and inserting “provision of this section”; and

- (B) by inserting “or subsection (c)(1)(D)” after “under this subsection”;
 - (5) by striking paragraph (2); and
 - (6) by redesignating paragraphs (3) through (7) as paragraphs (2) through (6), respectively.
- (c) CONFORMING AMENDMENT.—Section 47106(a)(7) of title 49, United States Code, is amended by striking “section 47114(d)(3)(B)” and inserting “section 47114(d)(2)(B)”

SEC. 412. PFC TURNBACK REDUCTION.

- (a) IN GENERAL.—Section 47114(f) of title 49, United States Code, is amended—
- (1) in paragraph (1)—
 - (A) by striking “sponsor of an airport having at least .25 percent of the total number of boardings each year in the United States and” and inserting “sponsor of a medium or large hub airport”; and
 - (B) in subparagraph (B) by striking “75 percent” and inserting “60 percent” each place it appears; and
 - (2) by striking paragraphs (2) and (3) and inserting the following:
 - “(2) EFFECTIVE DATE OF REDUCTION.—
 - “(A) NEW CHARGE COLLECTION.—A reduction in an apportionment under paragraph (1) shall not take effect until the first fiscal year following the year in which the collection of the charge imposed under section 40117 has begun.
 - “(B) NEW CATEGORIZATION.—A reduction in an apportionment under paragraph (1) shall only be applied to an airport if such airport has been designated as a medium or large hub airport for 3 consecutive years.”
- (b) APPLICABILITY.—For an airport that increased in categorization from a small hub to a medium hub in any fiscal year beginning after the date of enactment of the FAA Reauthorization Act of 2018 (Public Law 115–254) and prior to the date of enactment of this Act, the amendment to section 47114(f)(2) of title 49, United States Code, under subsection (a) shall be applied as though the airport increased in categorization from a small hub to a medium hub in the calendar year prior to the first fiscal year in which such amendment is applicable.

SEC. 413. TRANSFER OF AIP SUPPLEMENTAL FUNDS TO FORMULA PROGRAM.

- Section 47115(j) of title 49, United States Code, is amended—
- (1) in paragraph (3) by striking subparagraph (B) and inserting the following:
 - “(B) MINIMUM ALLOCATION.—Not more than 25 percent of the amounts available under this subsection shall be used to provide grants at nonhub and small hub airports.
 - “(C) PRIORITIZATION.—In making grants under this subsection, the Secretary shall prioritize projects that reduce runway incursions or increase runway or taxiway safety.”;
 - (2) in paragraph (4)(A) by striking clause (v) and inserting the following:
 - “(v) \$1,110,000,000 for fiscal year 2023.
 - “(vi) \$100,000,000 for fiscal year 2024.
 - “(vii) \$100,000,000 for fiscal year 2025.
 - “(viii) \$100,000,000 for fiscal year 2026.
 - “(ix) \$100,000,000 for fiscal year 2027.
 - “(x) \$100,000,000 for fiscal year 2028.”; and
 - (3) in paragraph (4)(B) by striking “2 fiscal years” and inserting “3 fiscal years”.

SEC. 414. SMALL AIRPORT FUND.

- Section 47116 of title 49, United States Code, is amended—
- (1) in subsection (b) by striking paragraphs (1) and (2) and inserting the following:
 - “(1) Not more than 25 percent for grants for projects at small hub airports.
 - “(2) Not less than 25 percent for grants to sponsors of public-use airports (except commercial service airports).
 - “(3) Not less than 50 percent for grants to sponsors of commercial service airports that are not larger than a nonhub airport.”;
 - (2) in subsection (d)—
 - (A) by striking paragraph (2); and
 - (B) by redesignating paragraph (3) as paragraph (2); and
 - (3) by striking subsections (e) and (f) and inserting the following:
 - “(e) GENERAL AVIATION HANGARS AND TRANSIENT APRONS.—In distributing amounts from the fund described in subsection (a) to sponsors described in subsection (b)(2) and (b)(3)—
 - “(1) 5 percent of each amount shall be used for projects to construct aircraft hangars that are not larger than 5,000 square feet; and

“(2) 5 percent of each amount shall be used for projects to construct or rehabilitate aprons intended to be used for itinerant general aviation aircraft parking.”.

SEC. 415. REVISION OF DISCRETIONARY CATEGORIES.

Section 47117 of title 49, United States Code, is amended—

- (1) in subsection (b)(2)—
 - (A) in subparagraph (A)(i) by striking “or (3)(A), whichever is applicable”; and
 - (B) in subparagraph (B)—
 - (i) by striking “section 47114(d)(3)(A)” and inserting “section 47114(d)(2)(A)”; and
 - (ii) by striking “section 47114(d)(3)(B)” and inserting “section 47114(d)(2)(B)”; and
- (2) in subsection (c)(2) by striking “47114(d)(3)(A)” and inserting “47114(d)(2)(A)”; and
- (3) in subsection (d)—
 - (A) in paragraph (1) by striking “section 47114(d)(2)(A) of this title” and inserting “section 47114(d)(2)(B)(i)”; and
 - (B) in paragraph (2)—
 - (i) by striking “section 47114(d)(2)(B) or (C)” and inserting “section 47114(d)(2)(B)(i) or (iii)” in each place it appears; and
 - (ii) by striking “of this title”;
- (4) in subsection (e)—
 - (A) in paragraph (1)—
 - (i) in subparagraph (A)—
 - (I) by striking “\$300,000,000” and inserting “\$200,000,000”;
 - (II) by striking “for compatible land use planning and projects carried out by State and local governments under section 47141.”;
 - (III) by striking “section 47102(3)(Q)” and inserting “subparagraphs (O) through (Q) of section 47102(3)”; and
 - (IV) by striking “to comply with the Clean Air Act (42 U.S.C. 7401 et seq.)”; and
 - (V) by adding at the end the following: “The Secretary shall provide not less than two-thirds of amounts under this subparagraph and paragraph (3) for grants to sponsors of small hub, medium hub, and large hub airports.”; and
 - (ii) by striking subparagraph (C); and
 - (B) by striking paragraph (3) and inserting the following:

“(3) SPECIAL RULE.—Beginning in fiscal year 2025, if the amount made available under paragraph (1)(A) was not equal to or greater than \$150,000,000 in the preceding fiscal year, the Secretary shall issue grants for projects eligible under paragraph (1)(A) from apportionments made under section 47114 that are not required during the fiscal year to fund a grant for which such apportionments may be used in an amount that is not less than—

 - “(A) \$150,000,000; minus
 - “(B) the amount made available under paragraph (1)(A) in the preceding fiscal year.”; and
- (5) in subsection (f)(1) by striking “Subject to paragraph (2)” and inserting “Subject to paragraph (2) and except as provided in section 47116(a)(2)”.

SEC. 416. TERMINAL DEVELOPMENT.

Section 47119 of title 49, United States Code, is amended—

- (1) in subsection (a)—
 - (A) in paragraph (1) by striking “in a nonrevenue-producing public-use area of a commercial service airport” and all that follows through “of the Government” and inserting the following: “at an airport if the sponsor certifies that the airport, on the date the grant application is submitted to the Secretary, has—
 - “(A) that any necessary airport development project affecting airport safety, security, or capacity will not be deferred if the Secretary approves a terminal development project under this section; and
 - “(B) provided for access by passengers to the area of the airport for boarding or exiting aircraft that are not air carrier aircraft.”; and
 - (B) in paragraph (2) by striking “parking lot if” and all that follows through “Secretary’s approval” and inserting “parking lot”;
- (2) by striking subsections (b), (e) and (f);
- (3) by redesignating subsection (c) and (d) as subsections (b) and (c), respectively; and

(4) in subsection (b) (as so redesignated) by striking paragraphs (1) through (5) and inserting the following:

“(1) any part of amounts apportioned to an airport sponsor under subsection (c) or (d) of section 47114 to pay project costs allowable under subsection (a);

“(2) on the approval of the Secretary, any part of amounts that may be distributed for the fiscal year from the discretionary fund established under section 47115 to the sponsor of an airport to pay project costs allowable under subsection (a);

“(3) on the approval of the Secretary, any part of amounts that may be distributed for the fiscal year from the small airport fund established under section 47116 to the sponsor of an airport eligible to receive funds under section 47116 to pay project costs allowable under subsection (a);”.

SEC. 417. STATE BLOCK GRANT PROGRAM.

(a) **OFFSETTING ADMINISTRATIVE EXPENSES BURDEN ON STATES.**—Section 47109(a)(2) of title 49, United States Code, is amended by striking “90 percent” and inserting “91 percent”.

(b) **TRAINING.**—Section 47128 of title 49, United States Code, is amended by adding at the end the following:

“(e) **TRAINING FOR PARTICIPATING STATES.**—

“(1) **IN GENERAL.**—The Secretary shall provide to each State participating in the block grant program under this section training or updated training materials for the administrative responsibilities assumed by the State under such program at no cost to the State.

“(2) **TIMING.**—The training or updated training materials provided under paragraph (1) shall be provided at least once during each 2-year period and at any time there is a material change in the program.”.

(c) **ADMINISTRATION.**—Section 47128 of title 49, United States Code, is further amended by adding at the end the following:

“(f) **ROLES AND RESPONSIBILITIES OF PARTICIPATING STATES.**—

“(1) **AIRPORTS.**—Unless a State participating in the block grant program under this section expressly agrees in a memorandum of agreement, the Secretary shall not require the State to manage functions and responsibilities for airport actions or projects that do not relate to such program.

“(2) **PROGRAM DOCUMENTATION.**—Any grant agreement providing funds to be administered under such program shall be consistent with the most recently executed memorandum of agreement between the State and the Federal Aviation Administration. The Administrator of the Federal Aviation Administration shall provide parity to participating States and shall only require the same type of information and level of detail for any program agreements and documentation that the Administrator would perform with respect to such action if the State did not participate in the program.

“(3) **RESPONSIBILITIES.**—The Administrator shall retain responsibility for the following, unless expressly agreed to by the State:

“(A) Grant compliance investigations, determinations, and enforcement.

“(B) Obstruction evaluation and airport airspace analysis, determinations, and enforcement off airport property.

“(C) Non-rulemaking analysis, determinations, and enforcement for proposed improvements on airport properties not associated with this subchapter, or off airport property.

“(D) Land use determinations under section 163 of the FAA Reauthorization Act of 2018 (49 U.S.C. 47107 note), compatibility planning, and airport layout plan review and approval for projects not funded by amounts available under this subchapter.

“(E) Nonaeronautical and special event recommendations and approvals.

“(F) Instrument approach procedure evaluations and determinations.

“(G) Environmental review for projects not funded by amounts available under this subchapter.

“(H) Review and approval of land leases, land releases, changes in on-airport land-use designation, and through-the-fence agreements.”.

(d) **REPORT.**—The Comptroller General of the United States shall issue a report on the Office of Airports of the Federal Aviation Administration and the airport improvement program under subchapter I of chapter 471 and chapter 475 of title 49, United States Code, and include in such report a description of—

(1) the responsibilities of States participating in the block grant program under section 47128 of title 49, United States Code; and

(2) the impact of title VIII of division J of the Infrastructure Investment and Jobs Act (Public Law 117–58) and other Federal administrative funding sources

on the ability of such States to disburse and administer airport improvement program funds.

(e) SENSE OF CONGRESS.—It is the sense of Congress that Congress supports the disbursement of a percentage of administrative funds made available under the heading “Federal Aviation Administration—Airport Infrastructure Grants” in title VIII of division J of the Infrastructure Investment and Jobs Act (Public Law 117–58) to non-primary airports participating in the State’s block grant program each fiscal year of the Airport Infrastructure Grants program.

SEC. 418. INNOVATIVE FINANCING TECHNIQUES.

Section 47135 of title 49, United States Code, is amended—

(1) by striking subsections (a) and (b) and inserting the following:

“(a) AUTHORITY.—

“(1) IN GENERAL.—The Secretary of Transportation may approve an application by an airport sponsor to use grants received under this subchapter for innovative financing techniques related to an airport development project that is located at an airport that is not a large hub airport.

“(2) APPROVAL.—The Secretary may approve not more than 30 applications described under paragraph (1) in a fiscal year.

“(b) PURPOSES.—The purpose of grants made under this section shall be to—

“(1) provide information on the benefits and difficulties of using innovative financing techniques for airport development projects;

“(2) lower the total cost of an airport development project; or

“(3) expedite the delivery or completion of an airport development project without reducing safety or causing environmental harm.”; and

(2) in subsection (c)(2)—

(A) in subparagraph (C) by striking “and” at the end;

(B) in subparagraph (D) by striking the period at the end and inserting “, and”; and

(C) by adding at the end the following:

“(E) any other techniques that the Secretary determines are consistent with the purposes of this section.”.

SEC. 419. LONG-TERM MANAGEMENT PLANS.

Section 47136(c) of title 49, United States Code is amended—

(1) by striking “applicants that will” and inserting the following: “applicants that—

“(1) will”;

(2) by striking the period at the end and inserting “, and”; and

(3) by adding at the end the following:

“(2) provide a long-term management plan for eligible vehicles and equipment that includes the existing and future infrastructure requirements of the airport related to such vehicles and equipment.”.

SEC. 420. ALTERNATIVE PROJECT DELIVERY.

(a) IN GENERAL.—Section 47142 of title 49, United States Code, is amended—

(1) in the section heading by striking “**Design-build contracting**” and inserting “**Alternative project delivery**”;

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking “Administrator of the Federal Aviation Administration” and inserting “Secretary of Transportation”; and

(ii) by striking “award a design-build” and inserting “award a covered project delivery”;

(B) in paragraph (2) by striking “design-build” and inserting “covered project delivery”; and

(C) in paragraph (4) by striking “design-build contract will” and inserting “covered project delivery contract is projected to”; and

(3) by striking subsection (c) and inserting the following:

“(c) COVERED PROJECT DELIVERY CONTRACT DEFINED.—In this section, the term ‘covered project delivery contract’ means—

“(1) an agreement that provides for both design and construction of a project by a contractor; or

“(2) a single contract for the delivery of a whole project that—

“(A) includes, at a minimum, the sponsor, builder, and architect-engineer as parties that are subject to the terms of the contract;

“(B) aligns the interests of all the parties to the contract with respect to the project costs and project outcomes; and

“(C) includes processes to ensure transparency and collaboration among all parties to the contract relating to project costs and project outcomes.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 471 of title 49, United States Code, is amended by striking the item relating to section 47142 and inserting the following:

“47142. Alternative project delivery.”.

SEC. 421. NONMOVEMENT AREA SURVEILLANCE SURFACE DISPLAY SYSTEMS PILOT PROGRAM.

Section 47143(c) of title 49, United States Code, is amended by striking “2023” and inserting “2028”.

SEC. 422. REPEAL OF OBSOLETE CRIMINAL PROVISIONS.

Section 47306 of title 49, United States Code, and the item relating to such section in the analysis for chapter 473 of such title, are repealed.

SEC. 423. LIMITATION ON CERTAIN ROLLING STOCK PROCUREMENTS.

(a) IN GENERAL.—Section 50101 of title 49, United States Code, is amended—

- (1) by striking “(except section 47127)” each place it appears; and
- (2) by adding at the end the following:

“(d) LIMITATION ON CERTAIN ROLLING STOCK PROCUREMENTS.—

“(1) IN GENERAL.—Financial assistance made available under the provisions described in subsection (a) shall not be used in awarding a contract or subcontract to an entity on or after the date of enactment of this subsection for the procurement of rolling stock for use in an airport-related project if the manufacturer of the rolling stock—

“(A) is incorporated in or has manufacturing facilities in the United States; and

“(B) is owned or controlled by, is a subsidiary of, or is otherwise related legally or financially to a corporation based in a country that—

“(i) is identified as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) as of the date of enactment of this subsection;

“(ii) was identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a foreign country included on the priority watch list defined in subsection (g)(3) of that section; and

“(iii) is subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).

“(2) EXCEPTION.—

“(A) IN GENERAL.—For purposes of paragraph (1), the term ‘otherwise related legally or financially’ does not include—

“(i) a minority relationship or investment; or

“(ii) relationship with or investment in a subsidiary, joint venture, or other entity based in a country described in paragraph (1)(B) that does not export rolling stock or components of rolling stock for use in the United States.

“(B) CORPORATION BASED IN PEOPLE’S REPUBLIC OF CHINA.—Notwithstanding subparagraph (A)(i), for purposes of paragraph (1), the term ‘otherwise related legally or financially’ includes a minority relationship or investment if the relationship or investment involves a corporation based in the People’s Republic of China.

“(3) INTERNATIONAL AGREEMENTS.—This subsection shall be applied in a manner consistent with the obligations of the United States under international agreements.”.

(b) CONFORMING AMENDMENTS.—

(1) RESTRICTING CONTRACT AWARDS BECAUSE OF DISCRIMINATION AGAINST UNITED STATES GOODS OR SERVICES.—Section 50102 of title 49, United States Code, is amended by striking “(except section 47127)”.

(2) RESTRICTION ON AIRPORT PROJECTS USING PRODUCTS OR SERVICES OF FOREIGN COUNTRIES DENYING FAIR MARKET OPPORTUNITIES.—Section 50104(b) of title 49, United States Code, is amended by striking “(except section 47127)”.

(3) FRAUDULENT USE OF MADE IN AMERICA LABEL.—Section 50105 of title 49, United States Code, is amended by striking “(except section 47127)”.

SEC. 424. REGULATORY APPLICATION.

Section 40113(f) of title 49, United States Code, is amended—

- (1) by inserting “or in administering the Airport Improvement Program under chapter 471” after “Code of Federal Regulations,”; and
- (2) by inserting “or administrative” after “regulatory”.

SEC. 425. NATIONAL PRIORITY SYSTEM FORMULAS.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall review and update the National Priority System prioritization formulas contained in Federal Aviation Administration Order 5090.5 to account for the amendments to chapter 471 of title 49, United States Code, made by this Act.

(b) **REQUIRED CONSULTATION.**—In revising the formulas under subsection (a), the Secretary shall consult with representatives of the following:

- (1) Primary airports, including large, medium, small, and nonhub airports.
- (2) Non-primary airports, including general aviation airports.
- (3) Airport trade associations, including trade associations representing airport executives.
- (4) State aviation officials, including associations representing such officials.
- (5) Air carriers, including mainline, regional, and low cost air carriers.
- (6) Associations representing air carriers.

(c) **PRIORITY PROJECTS.**—In revising the formulas under subsection (a), the Secretary shall assign the highest priority to projects that increase or maintain the safety, efficiency, and capacity of the aviation system.

SEC. 426. MINORITY AND DISADVANTAGED BUSINESS PARTICIPATION.

(a) **FINDINGS.**—Congress finds the following:

(1) While significant progress has occurred due to the establishment of the airport disadvantaged business enterprise program and the airport concessions disadvantaged business enterprise program under sections 47113 and 47107(e) of title 49, United States Code, respectively, discrimination and related barriers continue to pose significant obstacles for minority- and women-owned businesses seeking to do business in airport-related markets across the Nation.

(2) Congress has received and reviewed testimony and documentation of race and gender discrimination from numerous sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits. Such testimony and documentation show that race- and gender-neutral efforts alone are insufficient to address the problem.

(3) The testimony and documentation described in paragraph (2) demonstrate that race and gender discrimination poses a barrier to full and fair participation in airport-related businesses of women business owners and minority business owners in the racial groups detailed in parts 23 and 26 of title 49, Code of Federal Regulations, and has impacted firm development and other aspects of airport-related business in the public and private markets.

(4) The testimony and documentation described in paragraph (2) provide a strong basis that there is a compelling need for the continuation of the airport disadvantaged business enterprise program and the airport concessions disadvantaged business enterprise program to address race and gender discrimination in airport-related business.

(b) **SUPPORTIVE SERVICES.**—Section 47113 of title 49, United States Code, is amended by adding at the end the following:

“(f) **SUPPORTIVE SERVICES.**—

“(1) **IN GENERAL.**—The Secretary of Transportation, in coordination with the Administrator of the Federal Aviation Administration, may, at the request of an airport sponsor, provide assistance under a grant issued under this subchapter to develop, conduct, and administer training programs and assistance programs in connection with any airport improvement project subject to part 26 of title 49, Code of Federal Regulations, for small business concerns referred to in subsection (b) to achieve proficiency to compete, on an equal basis for contracts and subcontracts related to such projects.

“(2) **ELIGIBLE ENTITIES.**—An entity eligible to receive assistance under this section is—

- “(A) a State;
- “(B) a political subdivision of a State or local government;
- “(C) a Tribal government;
- “(D) an airport sponsor;
- “(E) a metropolitan planning organization;
- “(F) a group of entities described in subparagraphs (A) through (E); or
- “(G) any other organization considered appropriate by the Secretary.”.

SEC. 427. AIRPORT ACCESS ROADS IN REMOTE LOCATIONS.

Section 162 of the FAA Reauthorization Act of 2018 (49 U.S.C. 47102 note) is amended in the matter preceding paragraph (1) by striking “2023” and inserting “2028”.

SEC. 428. LIMITED REGULATION OF NONFEDERALLY SPONSORED PROPERTY.

Section 163 of the FAA Reauthorization Act of 2018 (49 U.S.C. 47107 note) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—

“(1) LIMITED REGULATION.—Except as provided in subsection (b), the Secretary of Transportation may not require an airport to seek approval for (including in the submission of an airport layout plan), or directly or indirectly regulate (including through any grant assurance)—

“(A) the acquisition, use, lease, encumbrance, transfer, or disposal of land (including any portion of such land) by an airport sponsor; or

“(B) the construction, development, improvement, use, or removal of any facility (including any portion of such facility) upon such land.

“(2) BURDEN OF DEMONSTRATING APPLICABILITY.—The burden of demonstrating the nonapplicability of paragraph (1), or the applicability of an exception under subsection (b), shall be on the Secretary.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by striking “regulation” and inserting “law, regulation, or grant assurance”; and

(ii) in subparagraph (A) by striking “aircraft operations” and inserting “aircraft operations that occur or are projected to occur at an airport as described in an airport’s master plan”;

(B) in paragraph (2) by striking “facility” and inserting “facility that the Secretary demonstrates was”; and

(C) in paragraph (3) by striking “contained” and inserting “that the Secretary demonstrates is contained”; and

(3) by striking subsection (c) and inserting the following:

“(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

“(1) to affect the applicability of sections 47107(b) or 47133 of title 49, United States Code, to revenues generated by the use, lease, encumbrance, transfer, or disposal of land under subsection (a), facilities upon such land, or any portion of such land or facilities; or

“(2) to limit the Secretary’s authority to approve or regulate airport projects (or portions of airport projects) that are not subject to the provisions of subsection (a).”.

SEC. 429. MOTORCOACH ENPLANEMENT PILOT PROGRAM.

With respect to fiscal years 2024 through 2028, passengers who board a motorcoach at an airport that is chartered or provided by an air carrier to transport such passengers to another airport at which the passengers board an aircraft in service in air commerce, that entered the sterile area of the airport at which such passengers initially boarded the motorcoach, shall be deemed to be included under the term “passenger boardings” in section 47102 of title 49, United States Code.

SEC. 430. POPULOUS COUNTIES WITHOUT AIRPORTS.

Notwithstanding any other provision of law, the Secretary of Transportation may not deny inclusion in the national plan of integrated airport systems maintained under section 47103 of title 49, United States Code, to an airport or proposed airport if the airport or proposed airport—

(1) is located in the most populous county (as such term is defined in section 2 of title 1, United States Code) of a State that does not have an airport listed in the national plan;

(2) has an airport sponsor that was established before January 1, 2017;

(3) is located more than 15 miles away from another airport listed in the national plan;

(4) demonstrates how the airport will meet the operational activity required, through a forecast validated by the Secretary, within the first 10 years of operation;

(5) meets Federal Aviation Administration airport design standards;

(6) submits a benefit-cost analysis;

(7) presents a detailed financial plan to accomplish construction and ongoing maintenance; and

(8) has the documented support of the State government for the entry of the airport or proposed airport into the national plan.

SEC. 431. CONTINUED AVAILABILITY OF AVIATION GASOLINE.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall ensure that any of such varieties of aviation gasoline as may be necessary to fuel any model of piston-engine aircraft remain available for purchase at each airport

listed on the national plan of integrated airport systems (as described in section 47103 of title 49, United States Code) at which aviation gasoline was available for purchase as of October 5, 2018.

(b) REMOVAL OF AVAILABILITY.—The Administrator shall consider a prohibition or restriction on the sale of such varieties of aviation gasoline to violate assurance 22 (or any successor assurance related to economic nondiscrimination) of grant assurances associated with the airport improvement program under subchapter I of chapter 471 and chapter 475 of title 49, United States Code.

(c) AVIATION GASOLINE DEFINED.—In this section, the term “aviation gasoline” means a gasoline on which a tax is imposed under section 4081(a)(2)(A)(ii) of the Internal Revenue Code of 1986.

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to—

(1) affect any airport sponsor found to be out of compliance with the grant assurance described in subsection (b) before the date of enactment of this Act;

(2) affect any investigation of an airport sponsor initiated by the Administrator under parts 13 or 16 of title 14, Code of Federal Regulations, relating to the availability of aviation gasoline; or

(3) require any particular action by the Administrator if the Administrator determines through such investigation that such airport sponsor has violated a grant assurance

SEC. 432. AIP HANDBOOK UPDATE.

(a) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall revise the Airport Improvement Program Handbook (Order 5100.38D) (in this section referred to as the “Handbook”) to account for legislative changes to the airport improvement program under subchapter I of chapter 471 and chapter 475 of title 49, United States Code, and to make such other changes as the Administrator determines necessary.

(b) REQUIREMENTS.—In updating the Handbook, the Administrator may not impose any additional requirements or restrictions on the use of Airport Improvement Program funds except as specifically directed by legislation.

(c) CONSULTATION AND PUBLIC COMMENT.—

(1) CONSULTATION.—In developing the revised Handbook under this section, the Administrator shall consult with aviation stakeholders, including airports and air carriers.

(2) PUBLIC COMMENT.—

(A) IN GENERAL.—Not later than 30 months after the date of enactment of this Act, the Administrator shall publish a draft revision of the Handbook and make such draft available for public comment for a period of not less than 90 days.

(B) REVIEW.—The Administrator shall review all comments submitted during the public comment period described under subparagraph (A) and, as the Administrator considers appropriate, incorporate changes based on such comments into the final revision of the Handbook.

(d) INTERIM IMPLEMENTATION OF CHANGES.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue program guidance letters to provide for the interim implementation of amendments to the Airport Improvement Program made by this Act.

SEC. 433. GAO AUDIT OF AIRPORT FINANCIAL REPORTING PROGRAM.

(a) AUDIT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall complete an audit of the airport financial reporting program of the Federal Aviation Administration and provide recommendations to the Administrator of the Federal Aviation Administration on improvements to such program.

(b) REQUIREMENTS.—In conducting the audit required under subsection (a), the Comptroller General shall, at a minimum—

(1) review relevant Administration guidance to airports, including the version of Advisory Circular 150/5100–19, titled “Operating and Financial Summary”, that is in effect on the date of enactment of this Act;

(2) evaluate the information requested or required by the Administrator from airports for completeness and usefulness by the Administration and the public;

(3) assess the costs associated with collecting, reporting, and maintaining such information for airports and the Administration;

(4) determine if such information provided is—

(A) updated on a regular basis to make such information useful; and

(B) audited and verified in an appropriate manner;

(5) assess if the Administration has addressed the issues the Administration discovered during the apportionment and disbursement of relief funds to air-

ports under the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) using inaccurate and aged airport financial data; and

(6) determine whether the airport financial reporting program as structured as of the date of enactment provides value to the Administration, the aviation industry, or the public.

(c) **REPORT TO CONGRESS.**—Not later than 3 months after the completion of the audit required under subsection (a), the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the findings of such audit and any recommendations provided to the Administrator to improve or alter the airport financial reporting program.

SEC. 434. GAO REVIEW OF NONAERONAUTICAL REVENUE STREAMS AT AIRPORTS.

(a) **REVIEW.**—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall initiate a review of non-aeronautical revenue streams currently used by hub airports of varying size, assess the impact of nonaeronautical revenue on airports, and evaluate opportunities for revenue that are unutilized or are underutilized by such airports.

(b) **SCOPE.**—In conducting the review required under subsection (a), the Comptroller General shall, at a minimum—

(1) examine the nonaeronautical revenue streams at a variety of public-use airports in the United States;

(2) examine nonaeronautical revenue streams used by foreign airports;

(3) examine revenue streams used by similar types of infrastructure operators like train stations, bus depots, and shopping malls;

(4) determine the revenue effects of entering into, or choosing not to enter into, concessionaire agreements with companies operating at airports that are not a party to such agreements; and

(5) examine users and beneficiaries of airport services, facilities, property, and passengers, and determine if any such users or beneficiaries could or should be considered as a source of nonaeronautical revenue for an airport.

(c) **CONSULTATION.**—As part of the review required under subsection (a), the Comptroller General shall consult with representatives of airport concessionaires, airport sponsors, airport governance entities, airport financial planning consultants, and any other relevant stakeholders the Comptroller General determines appropriate.

(d) **FINDINGS, BEST PRACTICES, AND RECOMMENDATIONS.**—As part of the review required under subsection (a), the Comptroller General shall produce best practices and recommendations that can be adopted by public-use airports to increase non-aeronautical revenue.

(e) **REPORT TO CONGRESS.**—Not later than 3 months after the completion of the review required under subsection (a), the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the findings, best practices, and recommendations of such review.

SEC. 435. MAINTAINING SAFE FIRE AND RESCUE STAFFING LEVELS.

(a) **UPDATE TO REGULATION.**—The Administrator of the Federal Aviation Administration shall update the regulations contained in section 139.319 of title 14, Code of Federal Regulations, to ensure that paragraph (4) of such section provides that at least 1 individual maintains certification at the emergency medical technician basic level, or higher.

(b) **STAFFING REVIEW.**—Not later than 2 years after the date of enactment of this Act, the Administrator shall conduct a review of airport environments and related regulations to evaluate sufficient staffing levels necessary for firefighting and rescue services and response at airports certified under part 139 of title 14, Code of Federal Regulations.

(c) **REPORT.**—Not later than 1 year after completing the review under subsection (b), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of the review.

SEC. 436. GAO STUDY OF ONSITE AIRPORT GENERATION.

(a) **STUDY.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall initiate a study on the feasibility of installation and adoption of certain power generation property at airports which receive funding from the Federal Government.

(b) **CONTENT.**—In carrying out the study required under subsection (a), the Comptroller General shall examine—

(1) any safety impacts of the installation and operation of such power generation property, either in aggregate or around certain locations or structures at the airport;

(2) regulatory barriers to adoption;

(3) benefits to adoption;

(4) previous examples of adoptions;

(5) impacts on other entities; and

(6) previous examples of adoption and factors pertaining to previous examples of adoption, including—

(A) novel uses beyond supplemental power generation, such as expanding nonresidential property around airports to minimize noise, power generation resilience, and market forces;

(B) challenges identified in the installation process;

(C) upfront and long-term costs, both foreseen and unforeseen;

(D) funding sources used to pay for upfront costs; and

(E) long-term savings.

(c) **REPORT.**—Not later than 2 years after the initiation of the study under subsection (a), the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report and recommendations on the results of the study.

(d) **POWER GENERATION PROPERTY DEFINED.**—In this section, the term “power generation property” means equipment defined in section 48(a)(3)(A) of the Internal Revenue Code of 1986.

SEC. 437. TRANSPORTATION DEMAND MANAGEMENT AT AIRPORTS.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study to examine the efficacy of transportation demand management strategies at United States airports.

(b) **CONSIDERATIONS.**—In conducting the study under subsection (a), the Comptroller General shall examine, at minimum—

(1) whether transportation demand management strategies should be considered by airports when making infrastructure planning and construction decisions;

(2) the impact of transportation demand management strategies on existing multimodal options to and from airports in the United States; and

(3) best practices for developing transportation demand management strategies that can be used to improve access to airports for passengers and airport and airline personnel.

(c) **REPORT.**—Upon completion of the study conducted under subsection (a), the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on such study.

(d) **DEFINITION.**—In this section, the term “transportation demand management strategy” means the use of planning, programs, policy, marketing, communications, incentives, pricing, data, and technology to optimize travel modes, routes used, departure times, and number of trips.

SEC. 438. COASTAL AIRPORTS ASSESSMENT.

(a) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall, in coordination with the Chief of Engineers and Commanding General of the United States Army Corps of Engineers, initiate an assessment on the resiliency of coastal airports in the United States.

(b) **CONTENTS.**—The assessment required under subsection (a) shall—

(1) examine the impact of sea-level rise and other environmental factors that pose risks to coastal airports; and

(2) identify and evaluate current initiatives to prevent and mitigate the impacts of factors described in paragraph (1) on coastal airports.

(c) **REPORT.**—Upon completion of the assessment, the Administrator of the Federal Aviation Administration shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on—

(1) the results of the assessment required under subsection (a); and

(2) recommendations to improve the resiliency of coastal airports in the United States.

SEC. 439. AIRPORT INVESTMENT PARTNERSHIP PROGRAM.

Section 47134(b) of title 49, United States Code, is amended by adding at the end the following:

“(4) **BENEFIT-COST ANALYSIS.**—Prior to approving an application submitted under subsection (a), the Secretary may require a benefit-cost analysis. If a benefit-cost analysis is required, the Secretary shall issue a preliminary and conditional finding, which shall—

“(A) be issued not later than 60 days after the date on which the sponsor submits all information required by the Secretary;

“(B) be based upon a collaborative review process that includes the sponsor or sponsor’s representative;

“(C) not constitute the issuance of a Federal grant or obligation to issue a grant under this chapter or other provision of law; and

“(D) not constitute any other obligation on the part of the Federal Government until the conditions specified in the final benefit-cost analysis are met.”.

SEC. 440. GAO STUDY ON PER-TRIP AIRPORT FEES FOR TNC CONSUMERS.

(a) **STUDY.**—Not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of fees that airports assess against customers of transportation network companies.

(b) **CONTENTS.**—In carrying out the study required under subsection (a), the Comptroller General shall address—

(1) the methodology used by airports to set a fee for customers of TNCs;

(2) expenditures by airports of fees assessed against customers of TNCs; and

(3) a comparison of the fees imposed by airports on customers of TNCs and other comparable modes of for-hire transportation, such as taxi.

(c) **REPORT.**—Not later than 12 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(d) **TRANSPORTATION NETWORK COMPANY DEFINED; TNC DEFINED.**—In this section, the term “transportation network company” or “TNC”—

(1) means a corporation, partnership, sole proprietorship, or other entity that uses a digital network to connect riders to drivers affiliated with the entity in order for the driver to transport the rider using a vehicle owned, leased, or otherwise authorized for use by the driver to a point chosen by the rider; and

(2) does not include a shared-expense carpool or vanpool arrangement that is not intended to generate profit for the driver.

SEC. 441. SPECIAL RULE FOR RECLASSIFICATION OF CERTAIN UNCLASSIFIED AIRPORTS.

(a) **REQUEST FOR RECLASSIFICATION.**—

(1) **IN GENERAL.**—Not later than September 30, 2024, a privately owned reliever airport (as such term is defined in section 47102 of title 49, United States Code) that is identified as unclassified in the National Plan of Integrated Airport Systems, 2021–2025 (as published under section 47103 of title 49, United States Code) may submit to the Secretary of Transportation a request to reclassify the airport according to the criteria used to classify a publicly owned airport.

(2) **REQUIRED INFORMATION.**—In submitting a request under paragraph (1), a privately owned reliever airport shall include the following information:

(A) A sworn statement and accompanying documentation that demonstrates how the airport would satisfy the requirements of Federal Aviation Administration Order 5090.5, titled “Formulation of the NPIAS and ACIP” (or any successor guidance), to be classified as “Local” or “Basic” if the airport was publicly owned.

(B) A report that—

(i) identifies the role of the airport to the aviation system; and

(ii) describes the long-term fiscal viability of the airport based on demonstrated aeronautical activity and associated revenues relative to ongoing operating and maintenance costs.

(b) **ELIGIBILITY REVIEW.**—

(1) **IN GENERAL.**—Not later than 60 days after receiving a request from a privately owned reliever airport under subsection (a), the Secretary shall perform an eligibility review with respect to the airport, including an assessment of the airport’s safety, security, capacity, access, compliance with Federal grant assurances, and protection of natural resources and the quality of the environment, as prescribed by the Secretary.

(2) **PUBLIC SPONSOR.**—In performing the eligibility review under paragraph (1), the Secretary—

(A) may require the airport requesting reclassification to provide information regarding the outlook (whether positive or negative) for obtaining a public sponsor; and

- (B) may not require the airport to obtain a public sponsor.
- (c) RECLASSIFICATION BY THE SECRETARY.—
- (1) IN GENERAL.—Not later than 60 days after receiving a request from a privately owned reliever airport under subsection (a)(1), the Secretary shall grant such request if the following criteria are met:
- (A) The request includes the required information under subsection (a)(2).
- (B) The privately owned reliever airport, to the satisfaction of the Secretary—
- (i) passes the eligibility review performed under subsection (b); or
 - (ii) submits a corrective action plan in accordance with paragraph (2).
- (2) CORRECTIVE ACTION PLAN.—With respect to a privately owned reliever airport that does not, to the satisfaction of the Secretary, pass the eligibility review performed under subsection (b), such airport may resubmit to the Secretary a reclassification request along with a corrective action plan that—
- (A) resolves any shortcomings identified in such eligibility review; and
- (B) proves that any necessary corrective action has been completed by the airport.
- (d) EFFECTIVE DATE.—The reclassification of any privately owned reliever airport under this section shall take effect not later than—
- (1) September 30, 2026, for any request granted under subsection (c)(1); and
 - (2) September 30, 2027, for any request granted after the submission of a corrective action plan under subsection (c)(2).

SEC. 442. PERMANENT SOLAR POWERED TAXIWAY EDGE LIGHTING SYSTEMS.

Not later than 18 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall produce an engineering brief that describes the acceptable use of permanent solar powered taxiway edge lighting systems at regional, local, and basic nonprimary airports (as categorized in the most recent National Plan of Integrated Airport Systems).

SEC. 443. SECONDARY RUNWAYS.

In approving grants for projects with funds made available pursuant to title VIII of division J of the Infrastructure Investment and Jobs Act (Public Law 117–58) under the heading “Federal Aviation Administration—Airport Infrastructure Grants”, the Administrator of the Federal Aviation Administration shall consider permitting a nonhub or small hub airport to use such funds to extend secondary runways, notwithstanding the level of operational activity as such airport.

SEC. 444. INCREASING THE ENERGY EFFICIENCY OF AIRPORTS AND MEETING CURRENT AND FUTURE ELECTRICAL POWER DEMANDS.

(a) IN GENERAL.—Section 47140 of title 49, United States Code, is amended to read as follows:

“§ 47140. Meeting current and future electrical power demand

“(a) IN GENERAL.—The Secretary of Transportation shall establish a program under which the Secretary shall—

- “(1) encourage the sponsor of each public-use airport to—
- “(A) conduct airport planning that assesses the airport’s—
- “(i) current and future electrical power requirements, including—
 - “(I) heating and cooling;
 - “(II) on-road airport vehicles, including ground support equipment;
 - “(III) gate electrification; and
 - “(IV) electric aircraft charging; and
 - “(ii) existing electrical infrastructure condition, location and capacity, including base load and backup power, to meet the current and future electrical power demand as identified in this subparagraph; and
- “(B) conduct airport development to increase energy efficiency or meet future electrical power demands as identified in subparagraph (A); and
- “(2) reimburse the airport sponsor for the costs incurred in conducting the assessment under paragraph (1).

“(b) GRANTS.—The Secretary may make grants from amounts made available under section 48103 to assist airport sponsors that have completed the assessment described in subsection (a)(1)—

- “(1) to acquire or construct equipment that will increase energy efficiency at the airport; and
- “(2) to pursue an airport development project described in subsection (a)(1)(B).”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 471 of title 49, United States Code, is amended by striking the item relating to section 47140 and inserting the following:

“47140. Meeting current and future electrical power demand.”.

SEC. 445. ELECTRIC AIRCRAFT INFRASTRUCTURE PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation may establish a pilot program under which the sponsors of public-use airports may use funds made available under chapter 471 or section 48103 of title 49, United States Code, for use at up to 10 airports to carry out—

(1) activities associated with the acquisition, by purchase or lease, operation, and installation of equipment to support the operations of electric aircraft, including interoperable electric vehicle charging equipment; and

(2) the construction or modification of infrastructure to facilitate the delivery of power or services necessary for the use of electric aircraft, including—

(A) on airport utility upgrades; and

(B) associated design costs.

(b) ELIGIBILITY.—A public-use airport is eligible for participation in the pilot program under this section if the Secretary finds that funds made available under subsection (a) would support—

(1) electric aircraft operators at such airport, or using such airport; or

(2) electric aircraft operators planning to operate at such airport with an associated agreement in place.

(c) SUNSET.—The pilot program established under subsection (a) shall sunset 5 years after the date of enactment of this Act.

SEC. 446. CURB MANAGEMENT PRACTICES.

Nothing in this Act shall be construed to—

(1) prevent airports from engaging in curb management practices, including determining and assigning curb designations, regulations, and to install and maintain upon any of the roadways or parts of roadways as many curb zones as necessary to aid in the regulation, control, and inspection of passenger loading and unloading; or

(2) prevent airports from enforcing curb zones using sensor, camera, automated license plate recognition, and software technologies and issuing citations by mail to the registered owner of the vehicle.

Subtitle B—Passenger Facility Charges

SEC. 461. PFC APPLICATION APPROVALS.

Section 40117(d) of title 49, United States Code, is amended by striking paragraph (2) and inserting the following:

“(2) each project is an eligible airport-related project;”.

SEC. 462. PFC AUTHORIZATION PILOT PROGRAM IMPLEMENTATION.

Section 40117(l) of title 49, United States Code, is amended—

(1) in the subsection heading by striking “PILOT PROGRAM” and inserting “ALTERNATIVE PROCEDURES”; and

(2) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—In lieu of submitting an application under subsection (c), an eligible agency may impose a passenger facility charge in accordance with the procedures under this subsection subject to the limitations of this section.”.

Subtitle C—Noise and Environmental Programs and Streamlining

SEC. 471. STREAMLINING CONSULTATION PROCESS.

Section 47101(h) of title 49, United States Code, is amended by striking “shall” and inserting “may”.

SEC. 472. REPEAL OF BURDENSOME EMISSIONS CREDIT REQUIREMENTS.

Section 47139 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking “airport sponsors receive” and inserting “airport sponsors may receive”;

- (ii) by striking “carrying out projects” and inserting “carrying out projects, including projects”; and
- (iii) by striking “conditions” and inserting “considerations”; and
- (B) in paragraph (2)—
 - (i) by striking “airport sponsor” and inserting “airport sponsor, including for an airport outside of a nonattainment area.”;
 - (ii) by striking “only”;
 - (iii) by striking “or as offsets” and inserting “, as offsets”; and
 - (iv) by striking the period at the end and inserting “, or as part of a State implementation plan.”;
- (2) by striking subsection (b); and
- (3) by redesignating subsection (c) as subsection (b).

SEC. 473. EXPEDITED ENVIRONMENTAL REVIEW AND ONE FEDERAL DECISION.

Section 47171 of title 49, United States Code, is amended—

- (1) in subsection (a) by striking “Secretary of Transportation” and inserting “Administrator of the Federal Aviation Administration”;
- (2) by striking “Secretary” in each place it appears and inserting “Administrator”;
- (3) in subsection (a)—
 - (A) in the matter preceding paragraph (1)—
 - (i) by striking “develop and”; and
 - (ii) by striking “projects at congested airports” and all that follows through “aviation security projects” and inserting “projects, terminal development projects, general aviation airport construction or improvement projects, and aviation safety projects”; and
 - (B) in paragraph (1) by striking “better” and inserting “streamlined”.
- (4) by striking subsection (b) and inserting the following:

“(b) AVIATION PROJECTS SUBJECT TO A STREAMLINED ENVIRONMENTAL REVIEW PROCESS.—

“(1) **IN GENERAL.**—Any airport capacity enhancement project, terminal development project, or general aviation airport construction or improvement project shall be subject to the coordinated and expedited environmental review process requirements set forth in this section.

“(2) **PROJECT DESIGNATION CRITERIA.**—

“(A) **IN GENERAL.**—The Administrator may designate an aviation safety project for priority environmental review. A designated project shall be subject to the coordinated and expedited environmental review process requirements set forth in this section.

“(B) **PROJECT DESIGNATION CRITERIA.**—The Administrator shall establish guidelines for the designation of an aviation safety project or aviation security project for priority environmental review. Such guidelines shall provide for consideration of—

- “(i) the importance or urgency of the project;
- “(ii) the potential for undertaking the environmental review under existing emergency procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
- “(iii) the need for cooperation and concurrent reviews by other Federal or State agencies; and
- “(iv) the prospect for undue delay if the project is not designated for priority review.”;
- (5) in subsection (c) by striking “an airport capacity enhancement project at a congested airport or a project designated under subsection (b)(3)” and inserting “a project described or designated under subsection (b)”;
- (6) in subsection (d) by striking “each airport capacity enhancement project at a congested airport or a project designated under subsection (b)(3)” and inserting “a project described or designated under subsection (b)”;
- (7) in subsection (h) by striking “designated under subsection (b)(3)” and all that follows through “congested airports” and inserting “described in subsection (b)(1)”;
- (8) in subsection (j)—
 - (A) by striking “For any” and inserting the following:
 - “(1) **IN GENERAL.**—For any”; and
 - (B) by adding at the end the following:
 - “(2) **DEADLINE.**—The Administrator shall define the purpose and need of a project not later than 45 days after receipt of a draft purpose and need statement (or revision thereof that materially affects a statement previously prepared or accepted by the Administrator) from an airport sponsor. The Adminis-

trator shall provide airport sponsors with appropriate guidance to implement any applicable requirements.”;

(9) in subsection (k)—

(A) by striking “an airport capacity enhancement project at a congested airport or a project designated under subsection (b)(3)” and inserting “a project described or designated under subsection (b)”;

(B) by striking “project shall consider” and inserting the following:
“project shall—

“(1) consider”;

(C) by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(2) limit the comments of the agency to—

“(A) subject matter areas within the special expertise of the agency; and
“(B) changes necessary to ensure the agency is carrying out the obligations of that agency under the National Environmental Policy Act of 1969 and other applicable law.”;

(10) in subsection (l) by striking the period at the end and inserting “and section 1503 of title 40, Code of Federal Regulations.”; and

(11) by striking subsection (m) and inserting the following:

“(m) COORDINATION AND SCHEDULE.—

“(1) COORDINATION PLAN.—

“(A) IN GENERAL.—Not later than 90 days after the date of publication of a notice of intent to prepare an environmental impact statement or the initiation of an environmental assessment, the Administrator of the Federal Aviation Administration shall establish a plan for coordinating public and agency participation in and comment on the environmental review process for a project described or designated under subsection (b). The coordination plan may be incorporated into a memorandum of understanding.

“(B) SCHEDULE.—

“(i) IN GENERAL.—The Administration shall establish as part of such coordination plan, after consultation with and the concurrence of each participating agency for the project and with the State in which the project is located (and, if the State is not the project sponsor, with the project sponsor), a schedule for—

“(I) interim milestones and deadlines for agency activities necessary to complete the environmental review; and

“(II) completion of the environmental review process for the project.

“(ii) FACTORS FOR CONSIDERATION.—In establishing the schedule under clause (i), the Administration shall consider factors such as—

“(I) the responsibilities of participating agencies under applicable laws;

“(II) resources available to the cooperating agencies;

“(III) overall size and complexity of the project;

“(IV) the overall time required by an agency to conduct an environmental review and make decisions under applicable Federal law relating to a project (including the issuance or denial of a permit or license) and the cost of the project; and

“(V) the sensitivity of the natural and historic resources that could be affected by the project.

“(iii) MAXIMUM PROJECT SCHEDULE.—To the maximum extent practicable and consistent with applicable Federal law, the Administrator shall develop, in concurrence with the project sponsor, a maximum schedule for the project described or designated under subsection (b) that is not more than 2 years for the completion of the environmental review process for such projects, as measured from, as applicable the date of publication of a notice of intent to prepare an environmental impact statement to the record of decision.

“(iv) DISPUTE RESOLUTION.—

“(I) IN GENERAL.—Any issue or dispute that arises between the Administrator and participating agencies (or amongst participating agencies) during the environmental review process will be addressed expeditiously to avoid delay.

“(II) RESPONSIBILITIES.—The Administrator and participating agencies shall—

“(aa) implement the requirements of this section consistent with any dispute resolution process established in an applicable law, regulation, or legally binding agreement to the maximum extent permitted by law; and

- “(bb) seek to resolve issues or disputes at the earliest possible time at the project level through agency employees who have day-to-day involvement in the project.
- “(III) ELEVATION FOR MISSED MILESTONE.—If a dispute between the Administrator and participating agencies (or amongst participating agencies) causes a milestone to be missed or extended, or the Administrator anticipates that a permitting timetable milestone will be missed or will need to be extended, then the dispute shall be elevated to an official designated by the relevant agency for resolution. Such elevation should take place as soon as practicable after the Administrator becomes aware of the dispute or potential missed milestone.
- “(IV) EXCEPTION.—Disputes that do not impact the ability of an agency to meet a milestone may be elevated as appropriate.
- “(V) FURTHER EVALUATION.—Once a dispute has been elevated to the designated official, if no resolution has been reached at the end of 30 days after the relevant milestone date or extension date, then the relevant agencies shall elevate the dispute to senior agency leadership for resolution.
- “(C) CONSISTENCY WITH OTHER TIME PERIODS.—A schedule under subparagraph (B) shall be consistent with any other relevant time periods established under Federal law.
- “(D) MODIFICATION.—
- “(i) IN GENERAL.—Except as provided in clause (ii), the Administrator may lengthen or shorten a schedule established under subparagraph (B) for good cause. A decision by a project sponsor to change, modify, expand, or reduce the scope of a project may be considered as good cause for lengthening or shortening of such schedule as appropriate and based on the nature and extent of the proposed project adjustment.
- “(ii) LIMITATIONS.—
- “(I) LENGTHENED SCHEDULE.—The Administrator may lengthen a schedule under clause (i) for a cooperating Federal agency by not more than 1 year after the latest deadline established for the project described or designated under subsection (b) by the Administration.
- “(II) SHORTENED SCHEDULE.—The Administrator may not shorten a schedule under clause (i) if doing so would impair the ability of a cooperating Federal agency to conduct necessary analyses or otherwise carry out relevant obligations of the Federal agency for the project.
- “(E) FAILURE TO MEET DEADLINE.—If a cooperating Federal agency fails to meet a deadline established under subparagraph (D)(ii)(I)—
- “(i) the cooperating Federal agency shall, not later than 10 days after meeting the deadline, submit to the Administrator a report that describes the reasons why the deadline was not met; and
- “(ii) the Secretary shall—
- “(I) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a copy of the report under clause (i); and
- “(II) make the report under clause (i) publicly available on the website of the agency.
- “(F) DISSEMINATION.—A copy of a schedule under subparagraph (B), and of any modifications to the schedule, shall be—
- “(i) provided to all participating agencies and to the State transportation department of the State in which the project is located (and, if the State is not the project sponsor, to the project sponsor); and
- “(ii) made available to the public.
- “(2) COMMENT DEADLINES.—The Administrator shall establish the following deadlines for comment during the environmental review process for a project:
- “(A) For comments by agencies and the public on a draft environmental impact statement, a period of not more than 60 days after publication in the Federal Register of notice of the date of public availability of such statement, unless—
- “(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or
- “(ii) the deadline is extended by the lead agency for good cause.
- “(B) For all other comment periods established by the lead agency for agency or public comments in the environmental review process, a period

of no more than 30 days from availability of the materials on which comment is requested, unless—

“(i) a different deadline is established by agreement of the Administrator, the project sponsor, and all participating agencies; or

“(ii) the deadline is extended by the lead agency for good cause.

“(3) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—In any case in which a decision under any Federal law relating to a project described or designated under subsection (b) (including the issuance or denial of a permit or license) is required to be made by the later of the date that is 180 days after the date on which the Administrator made all final decisions of the lead agency with respect to the project, or 180 days after the date on which an application was submitted for the permit or license, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and publish on the website of the Administration—

“(A) as soon as practicable after the 180-day period, an initial notice of the failure of the Federal agency to make the decision; and

“(B) every 60 days thereafter until such date as all decisions of the Federal agency relating to the project have been made by the Federal agency, an additional notice that describes the number of decisions of the Federal agency that remain outstanding as of the date of the additional notice.

“(4) INVOLVEMENT OF THE PUBLIC.—Nothing in this subsection shall reduce any time period provided for public comment in the environmental review process under existing Federal law, including a regulation.

“(n) CONCURRENT REVIEWS AND SINGLE NEPA DOCUMENT.—

“(1) CONCURRENT REVIEWS.—Each participating agency and cooperating agency under the expedited and coordinated environmental review process established under this section shall—

“(A) carry out the obligations of that agency under other applicable law concurrently, and in conjunction, with the review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), unless doing so would impair the ability of the Federal agency to conduct needed analysis or otherwise carry out such obligations; and

“(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

“(2) SINGLE NEPA DOCUMENT.—

“(A) IN GENERAL.—Except as inconsistent with subsection (a), to the maximum extent practicable and consistent with Federal law, all Federal permits and reviews for a project shall rely on a single environment document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) under the leadership of the Administrator of the Federal Aviation Administration.

“(B) USE OF DOCUMENT.—

“(i) IN GENERAL.—To the maximum extent practicable, the Administrator shall develop an environmental document sufficient to satisfy the requirements for any Federal approval or other Federal action required for the project, including permits issued by other Federal agencies.

“(ii) COOPERATION OF PARTICIPATING AGENCIES.—Other participating agencies shall cooperate with the lead agency and provide timely information to help the lead agency carry out this subparagraph.

“(C) TREATMENT AS PARTICIPATING AND COOPERATING AGENCIES.—A Federal agency required to make an approval or take an action for a project, as described in this paragraph, shall work with the Administration for the project to ensure that the agency making the approval or taking the action is treated as being both a participating and cooperating agency for the project.

“(3) PARTICIPATING AGENCY RESPONSIBILITIES.—An agency participating in the expedited and coordinated environmental review process under this section shall—

“(A) provide comments, responses, studies, or methodologies on those areas within the special expertise or jurisdiction of the agency; and

“(B) use the process to address any environmental issues of concern to the agency.

“(o) ENVIRONMENTAL IMPACT STATEMENT.—

“(1) IN GENERAL.—In preparing a final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a project described or designated under subsection (b), if the Administrator modi-

fies the statement in response to comments that are minor and are confined to factual corrections or explanations of why the comments do not warrant additional agency response, the Administrator may write on errata sheets attached to the statement instead of rewriting the draft statement, subject to the condition that the errata sheets—

“(A) cite the sources, authorities, and reasons that support the position of the agency; and

“(B) if appropriate, indicate the circumstances that would trigger agency reappraisal or further response.

“(2) SINGLE DOCUMENT.—To the maximum extent practicable, for a project subject to a coordinated review process under this section, the Administrator shall expeditiously develop a single document that consists of a final environmental impact statement and a record of decision, unless—

“(A) the final environmental impact statement or record of decision makes substantial changes to the project that are relevant to environmental or safety concerns; or

“(B) there is a significant new circumstance or information relevant to environmental concerns that bears on the proposed action or the environmental impacts of the proposed action.

“(3) LENGTH OF ENVIRONMENTAL DOCUMENT.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an environmental impact statement shall not exceed 150 pages, not including any citations or appendices.

“(B) EXTRAORDINARY COMPLEXITY.—An environmental impact statement for a proposed agency action of extraordinary complexity shall not exceed 300 pages, not including any citations or appendices.

“(p) INTEGRATION OF PLANNING AND ENVIRONMENTAL REVIEW.—

“(1) IN GENERAL.—Subject to paragraph (5) and to the maximum extent practicable and appropriate, the following agencies may adopt or incorporate by reference, and use a planning product in proceedings relating to, any class of action in the environmental review process of a project described or designated under subsection (b):

“(A) The lead agency for a project, with respect to an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(B) A cooperating agency with responsibility under Federal law with respect to the process for and completion of any environmental permit, approval, review, or study required for a project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if consistent with that law.

“(2) IDENTIFICATION.—If the relevant agency makes a determination to adopt or incorporate by reference and use a planning product under paragraph (1), such agency shall identify the agencies that participated in the development of the planning products.

“(3) ADOPTION OR INCORPORATION BY REFERENCE OF PLANNING PRODUCTS.—The relevant agency may—

“(A) adopt or incorporate by reference an entire planning product under paragraph (1); or

“(B) select portions of a planning project under paragraph (1) for adoption or incorporation by reference.

“(4) TIMING.—The adoption or incorporation by reference of a planning product under paragraph (1) may—

“(A) be made at the time the relevant agencies decide the appropriate scope of environmental review for the project; or

“(B) occur later in the environmental review process, as appropriate.

“(5) CONDITIONS.—The relevant agency in the environmental review process may adopt or incorporate by reference a planning product under this section if the relevant agency determines, with the concurrence of the lead agency and, if the planning product is necessary for a cooperating agency to issue a permit, review, or approval for the project, with the concurrence of the cooperating agency, that the following conditions have been met:

“(A) The planning product was developed through a planning process conducted pursuant to applicable Federal law.

“(B) The planning product was developed in consultation with appropriate Federal and State resource agencies and Indian Tribes.

“(C) The planning process included broad multidisciplinary consideration of systems-level or corridor-wide transportation needs and potential effects, including effects on the human and natural environment.

“(D) The planning process included public notice that the planning products produced in the planning process may be adopted during any subsequent environmental review process in accordance with this section.

“(E) During the environmental review process, the relevant agency has—

“(i) made the planning documents available for public review and comment by members of the general public and Federal, State, local, and Tribal governments that may have an interest in the proposed project;

“(ii) provided notice of the intention of the relevant agency to adopt or incorporate by reference the planning product; and

“(iii) considered any resulting comments.

“(F) There is no significant new information or new circumstance that has a reasonable likelihood of affecting the continued validity or appropriateness of the planning product or portions thereof.

“(G) The planning product has a rational basis and is based on reliable and reasonably current data and reasonable and scientifically acceptable methodologies.

“(H) The planning product is documented in sufficient detail to support the decision or the results of the analysis and to meet requirements for use of the information in the environmental review process.

“(I) The planning product is appropriate for adoption or incorporation by reference and use in the environmental review process for the project and is incorporated in accordance with, and is sufficient to meet the requirements of, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section 1502.21 of title 40, Code of Federal Regulations.

“(6) EFFECT OF ADOPTION OR INCORPORATION BY REFERENCE.—Any planning product or portions thereof adopted or incorporated by reference by the relevant agency in accordance with this subsection may be—

“(A) incorporated directly into an environmental review process document or other environmental document; and

“(B) relied on and used by other Federal agencies in carrying out reviews of the project.

“(q) REPORT ON NEPA DATA.—

“(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall carry out a process to track, and annually submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on projects described in subsection (b)(1) that contains the information described in paragraph (3).

“(2) TIME TO COMPLETE.—For purposes of paragraph (3), the NEPA process—

“(A) for an environmental impact statement—

“(i) begins on the date on which a notice of intent is published in the Federal Register; and

“(ii) ends on the date on which the Administrator issues a record of decision, including, if necessary, a revised record of decision; and

“(B) for an environmental assessment—

“(i) begins on the date on which the Administrator makes a determination to prepare an environmental assessment; and

“(ii) ends on the date on which the Administrator issues a finding of no significant impact or determines that preparation of an environmental impact statement is necessary.

“(3) INFORMATION DESCRIBED.—The information referred to in paragraph (1) is, with respect to the Federal Aviation Administration—

“(A) the number of proposed actions for which a categorical exclusion was applied by the Administration during the reporting period;

“(B) the number of proposed actions for which a documented categorical exclusion was applied by the Administration during the reporting period;

“(C) the number of proposed actions pending on the date on which the report is submitted for which the issuance of a documented categorical exclusion by the Administration is pending;

“(D) the number of proposed actions for which an environmental assessment was issued by the Administration during the reporting period;

“(E) the length of time the Administration took to complete each environmental assessment described in subparagraph (D);

“(F) the number of proposed actions pending on the date on which the report is submitted for which an environmental assessment is being drafted by the Administration;

“(G) the number of proposed actions for which a final environmental impact statement was completed by the Administration during the reporting period;

“(H) the length of time that the Administration took to complete each environmental impact statement described in subparagraph (G);

“(I) the number of proposed actions pending on the date on which the report is submitted for which an environmental impact statement is being drafted; and

“(J) for the proposed actions reported under subparagraphs (F) and (I), the percentage of those proposed actions for which—

“(i) project funding has been identified; and

“(ii) all other Federal, State, and local activities that are required to allow the proposed action to proceed are completed.

“(4) DEFINITIONS.—In this section:

“(A) ENVIRONMENTAL ASSESSMENT.—The term ‘environmental assessment’ has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

“(B) ENVIRONMENTAL IMPACT STATEMENT.—The term ‘environmental impact statement’ means a detailed statement required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

“(C) NEPA PROCESS.—The term ‘NEPA process’ means the entirety of the development and documentation of the analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including the assessment and analysis of any impacts, alternatives, and mitigation of a proposed action, and any interagency participation and public involvement required to be carried out before the Administrator undertakes a proposed action.

“(D) PROPOSED ACTION.—The term ‘proposed action’ means an action (within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)) under this title that the Administrator proposes to carry out.

“(E) REPORTING PERIOD.—The term ‘reporting period’ means the fiscal year prior to the fiscal year in which a report is issued under subsection (a).”.

SEC. 474. SUBCHAPTER III DEFINITIONS.

Section 47175 of title 49, United States Code, is amended—

(1) in paragraph (3)(A) by striking “and” at the end and inserting “or”;

(2) in paragraph (4)—

(A) in subparagraph (A) by striking “and” at the end; and

(B) in subparagraph (B)—

(i) by striking “(B)”; and

(ii) by redesignating clauses (i) and (ii) as subparagraphs (B) and (C), respectively;

(3) by striking paragraph (5);

(4) by redesignating paragraphs (3), (1), (4), (2), (6), and (8) as paragraphs (1), (2), (3), (4), (5), and (6), respectively; and

(5) by adding at the end the following:

“(8) TERMINAL DEVELOPMENT.—The term ‘terminal development’ has the same meaning given such term in section 47102.”.

SEC. 475. PILOT PROGRAM EXTENSION.

Section 190(i) of the FAA Reauthorization Act of 2018 (49 U.S.C. 47104 note) is amended by striking “5 years” and all that follows through the period at the end and inserting “on October 1, 2028.”.

SEC. 476. PART 150 NOISE STANDARDS UPDATE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall review and revise part 150 of title 14, Code of Federal Regulations, to reflect all relevant laws and regulations, including part 161 of title 14, Code of Federal Regulations.

(b) OUTREACH.—As part of the review conducted under subsection (a), the Administrator shall clarify existing and future noise policies and standards and seek feedback from airports, airport users, and individuals living in the vicinity of airports before implementing any changes to any noise policies or standards.

(c) BRIEFING.—Not later than 90 days after the date of enactment of this Act, and every 6 months thereafter, the Administrator shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on

Commerce, Science, and Transportation of the Senate regarding the review conducted under subsection (a).

(d) SUNSET.—The requirement under subsection (c) shall terminate on September 30, 2028.

SEC. 477. REDUCING COMMUNITY AIRCRAFT NOISE EXPOSURE.

In implementing or revising a flight procedure, the Administrator of the Federal Aviation Administration shall seek to take the following actions (to the extent that such actions do not negatively affect aviation safety or efficiency) to reduce undesirable aircraft noise:

- (1) Implement flight procedures that can mitigate the impact of aircraft noise.
- (2) Work with airport sponsors and potentially impacted neighboring communities in establishing or modifying aircraft arrival and departure routes.
- (3) Discourage local encroachment of residential or other buildings near airports that could create future aircraft noise complaints or impact airport operations or aviation safety.

SEC. 478. CATEGORICAL EXCLUSIONS.

(a) CATEGORICAL EXCLUSION FOR PROJECTS OF LIMITED FEDERAL ASSISTANCE.—An action by the Administrator of the Federal Aviation Administration to approve, permit, finance, or otherwise authorize any airport project that is undertaken by the sponsor, owner, or operator of a public-use airport shall be presumed to be covered by a categorical exclusion under Federal Aviation Administration Order 1050.1F, or any successor document, if such project—

- (1) receives less than \$6,000,000 (as adjusted annually by the Administrator to reflect any increases in the Consumer Price Index prepared by the Department of Labor) of Federal funds or funds from charges collected under section 40117 of title 49, United States Code; or
- (2) with a total estimated cost of not more than \$35,000,000 (as adjusted annually by the Administrator to reflect any increases in the Consumer Price Index prepared by the Department of Labor) and Federal funds comprising less than 15 percent of the total estimated project cost.

(b) CATEGORICAL EXCLUSION IN EMERGENCIES.—An action by the Administrator to approve, permit, finance, or otherwise authorize an airport project that is undertaken by the sponsor, owner, or operator of a public-use airport shall be presumed to be covered by a categorical exclusion under Federal Aviation Administration Order 1050.1F, or any successor document, if such project is—

- (1) for the repair or reconstruction of any airport facility, runway, taxiway, or similar structure that is in operation or under construction when damaged by an emergency declared by the Governor of the State and concurred in by the Administrator, or for a disaster or emergency declared by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);
- (2) in the same location with the same capacity, dimensions, and design as the original airport facility, runway, taxiway, or similar structure as before the declaration described in this section; and
- (3) commenced within a 2-year period beginning on the date of a declaration described in this section.

(c) EXTRAORDINARY CIRCUMSTANCES.—The presumption that an action is covered by a categorical exclusion under subsections (a) and (b) shall not apply if the Administrator determines that extraordinary circumstances exist with respect to such action.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to impact any aviation safety authority of the Administrator.

(e) DEFINITIONS.—In this section:

- (1) CATEGORICAL EXCLUSION.—The term “categorical exclusion” has the meaning given the term in section 1508.1(d) of title 40, Code of Federal Regulations.
- (2) PUBLIC-USE AIRPORT; SPONSOR.—The terms “public-use airport” and “sponsor” have the meaning given such terms in section 47102 of title 49, United States Code.

SEC. 479. CRITICAL HABITAT ON OR NEAR AIRPORT PROPERTY.

(a) FEDERAL AGENCY REQUIREMENTS.—The Administrator of the Federal Aviation Administration, to the maximum extent practicable, shall collaborate with the heads of appropriate Federal agencies to ensure that designations of critical habitat, as such term is defined in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532), on or near airport property do not—

- (1) result in conflicting statutory, regulatory, or Federal grant assurance requirements for airports or aircraft operators;
- (2) interfere with the safe operation of aircraft; or

(3) occur on airport-owned lands that have become attractive habitat for a threatened or endangered species because such lands—

- (A) have been prepared for future development;
- (B) have been designated as noise buffer land; or
- (C) are held by the airport to prevent encroachment of uses that are incompatible with airport operations.

(b) STATE REQUIREMENTS.—In a State in which a State agency is authorized to designate land on or near airport property for the conservation of a threatened or endangered species in the State, the Administrator, to the maximum extent practicable, shall collaborate with the State in the same manner as the Administrator collaborates with the heads of Federal agencies under subsection (a).

SEC. 480. UPDATING PRESUMED TO CONFORM LIMITS.

Not later than 24 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall take such actions as are necessary to update the Administration's list of actions that are presumed to conform to a State implementation plan pursuant to section 93.153(f) of title 40, Code of Federal Regulations, to include projects relating to the construction of aircraft hangars.

SEC. 481. RECOMMENDATIONS ON REDUCING ROTORCRAFT NOISE IN DISTRICT OF COLUMBIA.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on reducing rotorcraft noise in the District of Columbia.

(b) CONTENTS.—The study conducted under subsection (a) shall consider—

- (1) the extent to which military operators consider operating over unpopulated areas outside of the District of Columbia for training missions;
- (2) the extent to which vehicles or aircraft other than conventional rotorcraft (such as unmanned aircraft) could be used for emergency and law enforcement response; and
- (3) the extent to which relevant operators and entities have assessed and addressed, as appropriate, the noise impacts of various factors of operating rotorcraft, including, at a minimum—
 - (A) altitude;
 - (B) the number of flights;
 - (C) flight paths;
 - (D) time of day of flights;
 - (E) types of aircraft;
 - (F) operating procedures; and
 - (G) pilot training.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on preliminary observations with a report to follow at a date agreed upon at the time of the briefing containing—

- (1) the contents of the study conducted under subsection (a); and
- (2) any recommendations for the reduction of rotorcraft noise in the District of Columbia.

(d) RELEVANT OPERATORS AND ENTITIES DEFINED.—In this section, the term “relevant operators and entities” means—

- (1) the Chief of Police of the Metropolitan Police Department of the District of Columbia;
- (2) any medical rotorcraft operator that routinely flies a rotorcraft over the District of Columbia; and
- (3) any other operator that routinely flies a rotorcraft over the District of Columbia.

SEC. 482. UFP STUDY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into an agreement with the National Academies under which the National Research Council shall carry out a study examining airborne ultrafine particles and the effect of such particles on human health.

(b) SCOPE OF STUDY.—The study conducted under subsection (a) shall—

- (1) summarize the relevant literature and studies done on airborne UFPs worldwide;
- (2) focus on large hub airports;
- (3) examine airborne UFPs and their potential effect on human health, including—
 - (A) characteristics of UFPs present in the air;
 - (B) spatial and temporal distributions of UFP concentrations;

- (C) primary sources of UFPs;
 - (D) the contribution of aircraft and airport operations to the distribution of UFP concentrations compared to other sources;
 - (E) potential health effects associated with elevated UFP exposures, including outcomes related to cardiovascular disease, respiratory infection and disease, degradation of neurocognitive functions, and other health effects; and
 - (F) potential UFP exposures, especially to susceptible groups;
 - (4) identify measures intended to reduce the release of UFPs; and
 - (5) identify information gaps related to understanding potential relationships between UFP exposures and health effects, contributions of aviation-related emissions to UFP exposures, and the effectiveness of mitigation measures.
- (c) COORDINATION.— The Administrator may coordinate with the heads of such other agencies that the Administrator considers appropriate to provide data and other assistance necessary for the study.
- (d) REPORT.—Not later than 180 days after the National Research Council submits the results of the study to the Administrator, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of the study carried out under subsection (a), including any recommendations based on such study.
- (e) DEFINITION OF ULTRAFINE PARTICLE.—In this section, the terms “ultrafine particle” and “UFP” mean particles with diameters less than or equal to 100 nanometers.

SEC. 483. AVIATION AND AIRPORT COMMUNITY ENGAGEMENT.

(a) ESTABLISHMENT OF TASK FORCE.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish an airport community of interest task force (in this section referred to as the “Task Force”) to evaluate and improve existing processes and mechanisms for engaging communities impacted by airport development and aviation operations.

(2) ACTIVITIES.—The Task Force shall—

(A) review research on aircraft noise impacts to identify potential actions the Administrator could take;

(B) review processes and practices of the Administration for engaging communities prior to or after air traffic pattern changes that impact such communities, including with how such processes and practices compare to best practices from organizations with expertise in grassroots community organizing and collaboration;

(C) assess Federal efforts to mitigate noise impacts on communities, including costs and benefits of such efforts;

(D) assess the various actions that State and local government officials and community planners could take when considering changes to airport infrastructure, including planned airport projects or surrounding airport community developments;

(E) identify potential improvements to Federal, State, and local airport development policy and planning processes to better balance which communities experience negative externalities as a result of airport operations;

(F) consider guidance to airports and airport communities to improve engagement with the Administration, as recommended by the document titled “Aircraft Noise: FAA Could Improve Outreach Through Enhanced Noise Metrics, Communication, and Support to Communities”, issued in September 2021 (GAO–21–103933);

(G) consider mechanisms and opportunities for the Administration to facilitate better exchange of helicopter noise information with operators in communities adversely impacted by helicopter noise, as recommended by the Comptroller General in the document titled “Aircraft Noise: Better Information Sharing Could Improve Responses to Washington, D.C. Area Helicopter Noise Concerns” (GAO–21–200); and

(H) review air traffic controller guidance on use and development of noise abatement procedures of the Administration to identify areas for improvement or efficiency that do not adversely impact aviation safety.

(3) COMPOSITION.—

(A) APPOINTMENT.—The Administrator shall appoint the members of the Task Force.

(B) CHAIRPERSON.—The Task Force shall be chaired by the Administrator’s executive level designee.

(C) REPRESENTATION.—The Task Force shall be comprised of representatives from—

- (i) airport communities or a representative organization of an airport community;
- (ii) airport operators;
- (iii) airlines;
- (iv) experts with specific knowledge of air traffic planning;
- (v) aircraft manufacturers;
- (vi) local government officials; and
- (vii) such other representatives as the Administrator considers appropriate.

(4) COMPENSATION.—Members of the Task Force shall serve without compensation.

(5) NONAPPLICABILITY OF FACa.—Chapter 10 of title 5, United States Code, shall not apply to the Task Force established under this section.

(6) CONSULTATION.—The Task Force shall, as appropriate, consult with relevant experts and stakeholders not listed in paragraph (3)(C) in conducting the activities described in paragraph (2).

(7) REPORTS.—

(A) RECOMMENDATIONS.—Not later than 1 year after the date of the establishment of the Task Force and every year thereafter through fiscal year 2028, the Task Force shall provide to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Administrator recommendations to improve the processes and mechanisms for engaging communities impacted by airport development and aviation operations.

(B) BRIEFING.—Not later than 60 days after the submission of the annual recommendations under subparagraph (A), the Administrator shall brief the committees described in such subparagraph on any plans of the Administration to implement the recommendations of the Task Force, including explanations for each of the recommendations the Administrator does not intend to adopt.

(b) ENGAGEMENT EVENTS.—

(1) ANNUAL EVENT.—The Administrator shall seek to convene at least 1 annual event in each geographic region of the Administration to engage with aviation communities on issues of regional import.

(2) PURPOSE.—The purpose of the engagement events described under paragraph (1) shall be to foster open and transparent communication between the Federal Government and aviation-impacted communities prior to, during, and after decision making at the Federal level.

(3) TOPICS OF CONSIDERATION.—The topics of consideration of such engagement events shall be approved by the Regional Administrator or the Regional Community Engagement Officer of the applicable region, in consultation with regional interest groups. Topic areas shall be driven by local and regional feedback and may focus on—

- (A) noise concerns from low-flying commercial aircraft;
- (B) purchase and installation of aircraft noise reduction measures;
- (C) new development projects in close proximity to airports and realistic noise expectations for such projects;
- (D) proposed airport expansion projects and the potential noise implications of such projects;
- (E) the establishment of new, or changes to existing, approach and departure routes and the community impacts of such changes;
- (F) upcoming events with an aviation component; or
- (G) any other topic or issue considered relevant by an aviation-impacted community.

(4) PARTICIPATION.—

(A) COORDINATION.—All events described in paragraph (3) shall be convened by or in coordination with the regional offices of the Administration.

(B) ATTENDANCE BY REPRESENTATIVES.—The Administrator shall ensure representatives from relevant program offices of the Administration are in attendance at such events.

(C) APPROPRIATE PARTICIPATION.—The Administrator shall collaborate with community groups at the State, municipal, city, or local government level to ensure appropriate participation by as many relevant parties on a given issue as practicable. Such relevant parties may include—

- (i) State or local government officials;
- (ii) local or municipal planning and zoning officials;
- (iii) neighborhood representatives;

- (iv) aircraft operators, flight school representatives, or other local aviation entities;
- (v) airport operators; and
- (vi) any other parties as appropriate.

(D) COORDINATION.—The Administrator shall coordinate Federal participation that is not under the Administration through the Federal Interagency Committee on Aviation Noise to encourage appropriate Federal representation at all such events, based on the topic areas of consideration.

SEC. 484. COMMUNITY COLLABORATION PROGRAM.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a Community Collaboration Program (in this section referred to as the “Program”) within the Office for Policy, International Affairs, and Environment of the Administration.

(b) STAFF.—The Program shall be comprised of representatives from—

- (1) the Office for Policy, International Affairs, and Environment of the Administration;
- (2) the Office of Airports of the Administration;
- (3) the Air Traffic Organization of the Administration; and
- (4) other entities as considered appropriate by the Administrator.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Program shall facilitate and harmonize, as appropriate, policies and procedures carried out by the entities listed in subsection (b) pertaining to community engagement relating to—

- (A) airport planning and development;
- (B) noise and environmental policy;
- (C) NextGen implementation;
- (D) air traffic route changes;
- (E) integration of new and emerging entrants; and
- (F) other topics with respect to which community engagement is critical to program success.

(2) SPECIFIED RESPONSIBILITIES.—The responsibilities of the Program lead shall include—

(A) the establishment of, and membership selection for, the Airport Community of Interest Task Force, established under section 483;

(B) joint execution with Federal Aviation Administration Regional Administrators of regional community engagement events, as described in section 483;

(C) updating the internal guidance of the Administration for community engagement based on recommendations from such Task Force and best practices of other Federal agencies and external organizations with expertise in community engagement;

(D) coordinating with the Air Traffic Organization on community engagement efforts related to air traffic procedure changes to ensure that impacted communities are consulted in a meaningful way;

(E) oversight of Regional Ombudsmen of the Administration;

(F) oversight, streamlining, and increasing the responsiveness of the noise complaint process of the Administration by—

- (i) centralizing noise complaint data and improving data collection methodologies;
- (ii) increasing public accessibility to such Regional Ombudsmen;
- (iii) ensuring such Regional Ombudsmen are consulted in local air traffic procedure development decisions;
- (iv) collecting feedback from such Regional Ombudsmen to inform national policymaking efforts; and
- (v) other recommendations made by the Airport Community of Interest Task Force;

(G) timely implementation of the recommendations, as appropriate, made by the Comptroller General of the United States to the Secretary of Transportation contained in the report titled “Aircraft Noise: FAA Could Improve Outreach Through Enhanced Noise Metrics, Communication, and Support to Communities”, issued in September 2021 (GAO–21–103933) to improve the outreach of the FAA to local communities impacted by aircraft noise, including—

(i) any recommendations to—

- (I) identify appropriate supplemental metrics for assessing noise impacts and circumstances for their use to aid in the internal as-

assessment of the Administration of noise impacts related to proposed flight path changes;

(II) update guidance to incorporate additional tools to more clearly convey expected impacts, such as other noise metrics and visualization tools; and

(III) improve guidance to airports and communities on effectively engaging with the Administration; and

(ii) any other recommendations included in the report that would assist the agency in improving outreach to communities affected by aircraft noise; and

(H) other responsibilities as considered appropriate by the Administrator.

(d) REPORT.—Not later than 2 years after the Administrator implements the recommendations described in subsection (c)(2)(H), the Administrator shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing—

(1) the implementation of each such recommendation;

(2) how any recommended actions are assisting the Administrator in improving outreach to communities affected by aircraft noise and other community engagement concerns; and

(3) any challenges or barriers that limit or prevent the ability of the Administrator to take such actions.

SEC. 485. THIRD PARTY STUDY ON AVIATION NOISE METRICS.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into an agreement with the National Academies to conduct a study on aviation noise metrics.

(b) CONTENTS.—The study required under subsection (a) shall include an assessment of—

(1) the efficacy of the day-night average sound level (in this section referred to as “DNL”) noise metric compared to other alternative models;

(2) the disadvantages of the DNL noise metric in effect as of the date of enactment of this Act compared to other alternative models;

(3) any potential changes that should be made to the DNL noise metric in effect as of the date of enactment of this Act; and

(4) the data collected by the Neighborhood Environmental Survey of the Administration using alternative noise metrics.

(c) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the National Academies shall submit to the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report—

(1) on the results of the study described in subsection (a); and

(2) containing recommendations regarding the most appropriate metric to adequately assess the public health impacts of aircraft noise.

SEC. 486. INFORMATION SHARING REQUIREMENT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration, shall establish a mechanism to make helicopter noise complaint data accessible to the Federal Aviation Administration, to helicopter operators operating in the Washington, D.C. area, and to the public on a website of the Administration, based on the recommendation of the Government Accountability Office in the report published on January 7, 2021, titled “Aircraft Noise: Better Information Sharing Could Improve Responses to Washington, D.C. Area Helicopter Noise Concerns”.

(b) COOPERATION.—Any helicopter operator operating in the Washington, D.C. area shall provide helicopter noise complaint data to the Federal Aviation Administration through the mechanism established under subsection (a).

(c) DEFINITIONS.—In this section:

(1) HELICOPTER NOISE COMPLAINT DATA.—The term “helicopter noise complaint data”—

(A) means general data relating to a complaint made by an individual about helicopter noise in the Washington, D.C. area and may include—

(i) the location and description of the event that is the subject of the complaint;

(ii) the start and end time of such event;

(iii) a description of the aircraft that is the subject of the complaint;

and

(iv) the airport name associated with such event; and

(B) does not include the personally identifiable information of the individual who submitted the complaint.

(2) WASHINGTON, D.C. AREA.—The term “Washington, D.C. area” means the area inside of a 30-mile radius surrounding Ronald Reagan Washington National Airport.

TITLE V—AVIATION SAFETY

Subtitle A—General Provisions

SEC. 501. ZERO TOLERANCE FOR NEAR MISSES, RUNWAY INCURSIONS, AND SURFACE SAFETY RISKS.

(a) POLICY.—

(1) IN GENERAL.—Section 47101(a) of title 49, United States Code, is amended—

(A) by redesignating paragraphs (2) through (13) as paragraphs (3) through (14), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) that projects, activities, and actions that prevent runway incursions serve to—

“(A) improve airport surface surveillance; and

“(B) mitigate surface safety risks that are essential to ensuring the safe operation of the airport and airway system.”

(2) CONFORMING AMENDMENTS.—Section 47101 of title 49, United States Code, is amended—

(A) in subsection (g) by striking “subsection (a)(5)” and inserting “subsection (a)(6)”; and

(B) in subsection (h) by striking “subsection (a)(6)” and inserting “subsection (a)(7)”.

(3) CONTINUOUS EVALUATION.—In carrying out section 47101(a) of title 49, United States Code, as amended by this subsection, the Administrator of the Federal Aviation Administration shall establish a process to continuously track and evaluate ground traffic and air traffic activity and related incidents at airports.

(b) RUNWAY SAFETY COUNCIL.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a council, to be known as the “Runway Safety Council” (in this section referred to as the “Council”), to develop a systematic proactive management strategy to address surface safety risks.

(2) DUTIES.—The duties of the Council shall include, at a minimum, advancing the development of risk-based, data driven, integrated systems solutions and strategies to enhance surface safety risk mitigation.

(3) MEMBERSHIP.—

(A) IN GENERAL.—In establishing the Council, the Administrator shall appoint at least 1 member from each of the following:

(i) Airport operators.

(ii) Air carriers.

(iii) Aircraft operators.

(iv) Avionics manufacturers.

(v) Flight schools.

(vi) The certified bargaining representative of aviation safety inspectors for the Administration.

(vii) The exclusive bargaining representative of the air traffic controllers certified under section 7111 of title 5, United States Code.

(viii) Other safety experts the Administrator determines appropriate.

(B) ADDITIONAL MEMBERS.—The Administrator may appoint members representing any other stakeholder organization that the Administrator determines appropriate to the Runway Safety Council.

(c) AIRPORT SURFACE SURVEILLANCE.—

(1) IDENTIFICATION.—Not later than 180 days after the date of enactment of this Act, the Administrator shall, in coordination with the Council, consult with relevant stakeholders to identify technologies, equipment, and systems that—

(A) may provide airport surface surveillance capabilities at airports lacking such capabilities;

(B) may augment existing airport surface surveillance systems; or

(C) may provide onboard situational awareness to pilots.

(2) CRITERIA.—Not later than 1 year after the date of enactment of this Act, the Administrator shall—

(A) based on the information obtained pursuant to paragraph (1), identify airport surface surveillance systems that meet the standards of the Administration and may be able to—

(i) provide airport surface surveillance capabilities at airports lacking such capabilities; or

(ii) augment existing airport surface surveillance systems; and

(B) establish clear and quantifiable criteria relating to operational factors, including ground traffic and air traffic activity and the rate of runway and terminal airspace safety events (including runway incursions), that determine when the installation and deployment of an airport surface surveillance system, or other runway safety system (including runway status lights), at an airport is required.

(3) DEPLOYMENT.—Not later than 5 years after the date of enactment of this Act, the Administrator shall ensure that airport surface surveillance systems are deployed and operational at—

(A) all airports described in paragraph (2)(A); and

(B) all medium and large hub airports.

(4) REPORT.—Not later than 4 years after the date of enactment of this Act, the Administrator shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the progress of the deployment described in paragraph (3).

(d) FOREIGN OBJECT DEBRIS DETECTION.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Administrator shall assess, in coordination with the Council, automated foreign object debris monitoring and detection systems at not less than 3 airports that are using such systems.

(2) CONSIDERATIONS.—In conducting the assessment under paragraph (1), the Administrator shall consider the following:

(A) The categorization of an airport.

(B) The potential frequency of foreign object debris incidents on airport runways or adjacent ramp areas.

(C) The availability of funding for the installation and maintenance of foreign object debris monitoring and detection systems.

(D) The impact of such systems on the airfield operations of an airport.

(E) The effectiveness of available foreign object debris monitoring and detection systems.

(F) Any other factors relevant to assessing the return on investment of foreign object debris monitoring and detection systems.

(3) CONSULTATION.—In carrying out this subsection, the Administrator and the Council shall consult with manufacturers and suppliers of foreign object debris detection technology and any other relevant stakeholders.

(e) RUNWAY SAFETY STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall seek to enter into an agreement with a federally funded research and development center to conduct a study of runway incursions, surface incidents, operational errors, or losses of standard separation of aircraft in the approach or departure phase of flight to determine how advanced technologies and future airport development projects may be able to reduce the frequency of such events and enhance aviation safety.

(2) CONSIDERATIONS.—In conducting the study under paragraph (1), the federally funded research and development center shall—

(A) examine data relating to recurring runway incursions, surface incidents, operational errors, or losses of standard separation of aircraft in the approach or departure phase of flight at airports to identify the underlying factors that caused such events;

(B) assess metrics used to identify when such events are increasing at an airport;

(C) assess available and developmental technologies, including and beyond such technologies considered in subsection (c), that may augment existing air traffic management capabilities of surface surveillance and terminal airspace equipment;

(D) consider growth trends in airport size, staffing and communication complexities to identify—

(i) future gaps in information exchange between aerospace stakeholders; and

(ii) methods for meeting future near real-time information sharing needs; and

(E) examine airfield safety training programs used by airport tenants and other stakeholders operating on airfields of airports, including airfield familiarization training programs for employees, to assess scalability to handle future growth in airfield capacity and traffic.

(3) RECOMMENDATIONS.—In conducting the study required by paragraph (1), the federally funded research and development center shall develop recommendations for the strategic planning efforts of the Administration to appropriately maintain surface safety considering future increases in air traffic and based on the considerations described in paragraph (2).

(4) REPORT TO CONGRESS.—Not later than 90 days after the completion of the study required by paragraph (1), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of such study and any recommendations developed under paragraph (3).

(f) AIRPORT SURFACE DETECTION AND SURVEILLANCE SYSTEM DEFINED.—In this section, the term “airport surface detection and surveillance system” means an airport surveillance system that is—

(1) designed to track surface movement of aircraft and vehicles; and

(2) capable of alerting air traffic controllers or flight crew members of a possible runway incursion, misaligned approach, or other safety event.

SEC. 502. GLOBAL AVIATION SAFETY.

(a) IN GENERAL.—Section 40104(d) of title 49, United States Code, (as redesignated by section 325) is amended—

(1) in the subsection heading by inserting “AND ASSISTANCE” after “INTERNATIONAL ROLE”;

(2) in paragraph (1) by striking “The Administrator” and inserting “In carrying out subsection (a), the Administrator”;

(3) by redesignating paragraph (2) as paragraph (4); and

(4) by inserting after paragraph (1) the following:

“(2) INTERNATIONAL PRESENCE.—The Administrator shall maintain an international presence to—

“(A) assist foreign civil aviation authorities in—

“(i) establishing robust aerospace oversight practices and policies;

“(ii) training staff, to include inspectors and accident investigators;

“(iii) harmonizing international aerospace standards for air traffic management, operator certification, aircraft certification, airports, and certificated or credentialed individuals;

“(iv) validating and accepting foreign aircraft design and production approvals;

“(v) maintaining appropriate levels of air navigation services;

“(vi) preparing for new aerospace technologies; and

“(vii) appropriately adopting continuing airworthiness information, such as airworthiness directives;

“(B) encourage the adoption of United States standards, regulations, and policies;

“(C) establish, maintain, and update bilateral or multilateral aviation safety agreements and the aviation safety information contained within such agreements;

“(D) engage in bilateral and multilateral discussions and provide technical assistance as described in paragraph (5);

“(E) validate foreign aerospace products and ensure reciprocal validation of products for which the United States is the state of design or production;

“(F) support accident and incident investigations, particularly such investigations that involve United States persons and certified products and such investigations where the National Transportation Safety Board is supporting an investigation pursuant to annex 13 of the International Civil Aviation Organization;

“(G) support the international activities of the United States aerospace sector;

“(H) maintain valuable relationships with entities with aerospace equities, including civil aviation authorities, other governmental bodies, non-governmental organizations, and foreign manufacturers; and

“(I) perform other activities as determined necessary by the Administrator.”.

(b) REVIEW OF INTERNATIONAL FIELD OFFICES.—Section 40104(d) of title 49, United States Code, (as redesignated by section 325) is further amended by inserting after paragraph (2) the following:

“(3) INTERNATIONAL OFFICES.—In carrying out the responsibilities described in subsection (a), the Administrator shall—

“(A) maintain international offices of the Administration;

“(B) every 3 years, review existing international offices to determine—

“(i) the effectiveness of such offices in fulfilling the mission described in paragraph (2); and

“(ii) the adequacy of resources and staffing to achieve the mission described in paragraph (2);

“(C) establish offices to address gaps identified by the review under subparagraph (B) and in furtherance of the mission described in paragraph (2), putting an emphasis on establishing such offices—

“(i) where international civil aviation authorities are located;

“(ii) where regional intergovernmental organizations are located;

“(iii) in countries that have difficulty maintaining a category 1 classification through the International Aviation Safety Assessment program; and

“(iv) in regions that have experienced substantial growth in aerospace operations or manufacturing.”.

(c) BILATERAL AVIATION SAFETY AGREEMENTS.—

(1) ESTABLISHMENT.—Section 40104(d) of title 49, United States Code, (as redesignated by section 325) is further amended by inserting after paragraph (4) the following:

“(5) BILATERAL AVIATION SAFETY AGREEMENTS.—

“(A) IN GENERAL.—The Administrator shall negotiate, enter into, promote, enforce, evaluate the effectiveness of, and seek to update bilateral or multilateral aviation safety agreements, and the parts of such agreements, with international aviation authorities.

“(B) PURPOSE.—The Administrator shall seek to enter into bilateral aviation safety agreements under this section to, at a minimum—

“(i) improve global aerospace safety;

“(ii) increase harmonization of, and reduce duplicative, requirements, processes, and approvals to advance the aerospace interests of the United States;

“(iii) ensure access to international markets for operators, service providers, and manufacturers from the United States; and

“(iv) put in place procedures for recourse when a party to such agreements fails to meet the obligations of such party under such agreements.

“(C) SCOPE.—The scope of a bilateral aviation safety agreement entered into under this section shall, as appropriate, cover existing aerospace users and concepts and establish a process by which bilateral aviation safety agreements can be updated to include new and novel concepts on an ongoing basis.

“(D) CONTENTS.—Bilateral aviation safety agreements entered into under this section shall, as appropriate and consistent with United States law and regulation, include topics such as—

“(i) airworthiness, certification, and validation;

“(ii) maintenance;

“(iii) operations and pilot training;

“(iv) airspace access, efficiencies, and navigation services;

“(v) transport category aircraft;

“(vi) fixed-wing aircraft, rotorcraft, and powered-lift aircraft;

“(vii) aerodrome certification;

“(viii) unmanned aircraft and associated elements of such aircraft;

“(ix) flight simulation training devices;

“(x) new or emerging aerospace technologies and technology trends;

and

“(xi) other topics as determined appropriate by the Administrator.

“(E) RULE OF CONSTRUCTION.—Bilateral or multilateral aviation safety agreements entered into under this subsection shall not be construed to diminish or alter any authority of the Administrator under any other provision of law.”.

(2) AUDIT OF VALIDATION ACTIVITIES UNDER BILATERAL AVIATION SAFETY AGREEMENTS.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the inspector general of the Department of Transportation shall

initiate an audit of bilateral compliance with respect to the validation of aircraft and aircraft parts as set forth in bilateral or multilateral aviation safety agreements between the Federal Aviation Administration and the civil aviation authorities of—

- (i) the European Union;
- (ii) Canada;
- (iii) Brazil;
- (iv) China;
- (v) the United Kingdom; and
- (vi) any other country as determined by the inspector general.

(B) REVIEW CONTENTS.—As part of the review required under this subsection, the inspector general shall evaluate the performance of validation programs by assessing—

- (i) validation timelines and milestones for individual projects;
- (ii) trends relating to the repeated use of nonbasic criteria to review systems and methods of compliance that have been validated previously in similar contexts;
- (iii) the extent to which implementation tools such as validation workplans and safety emphasis items have addressed validation issues;
- (iv) the perspective of Administration employees;
- (v) the perspective of employees of other civil aviation authorities, who wish to provide such perspective, on the validation of products certified in the United States and the validation of products by the United States of products certified abroad; and
- (vi) the perspective of domestic and foreign industry applicants seeking validation of aircraft and aircraft parts.

(C) REPORT AND RECOMMENDATIONS.—Not later than 14 months after beginning the audit under paragraph (1), the Comptroller General shall provide to the Administrator of the Federal Aviation Administration, the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing the findings of the audit and any recommendations to increase compliance and improve the validation timeframes of aircraft and aircraft parts.

(d) INTERNATIONAL ENGAGEMENT STRATEGY.—Section 40104(d) of title 49, United States Code, (as redesignated by section 325) is further amended by inserting after paragraph (5) the following:

“(6) STRATEGIC PLAN.—The Administrator shall maintain a strategic plan for the international engagement of the Administration that includes—

“(A) all elements of the report required in section 243(b)(1) of the FAA Reauthorization Act of 2018 (49 U.S.C. 44701 note);

“(B) measures to fulfill the mission described in paragraph (2);

“(C) initiatives to attain greater expertise among employees of the Federal Aviation Administration in issues related to dispute resolution, intellectual property, and expert control laws;

“(D) policy regarding the future direction and strategy of the United States engagement with the International Civil Aviation Organization;

“(E) procedures for acceptance of mandatory airworthiness information, such as airworthiness directives, and other safety-related regulatory documents, including procedures to implement the requirements of section 44701(e)(5);

“(F) all factors, including funding and resourcing, necessary for the Administration to maintain leadership in the global activities related to aviation safety and air transportation; and

“(G) establishment of, and a process to regularly track and update, metrics to measure the effectiveness of, and foreign civil aviation authority compliance with, bilateral aviation safety agreements.”.

SEC. 503. AVAILABILITY OF PERSONNEL FOR INSPECTIONS, SITE VISITS, AND TRAINING.

Section 40104 of title 49, United States Code, is further amended by adding at the end the following:

“(f) TRAVEL.—The Administrator and the Secretary of Transportation shall, in carrying out the responsibilities described in subsection (a), delegate to the appropriate supervisors of offices of the Administration the ability to authorize the domestic and international travel of relevant personnel who are not in the Federal Aviation Administration Executive System, without any additional approvals required, for the purposes of—

“(1) promoting aviation safety, aircraft operations, air traffic, airport, unmanned aircraft systems, commercial space transportation, and other aviation standards and regulations adopted by the United States;

“(2) facilitating the adoption of United States approaches on standards and recommended practices at the International Civil Aviation Organization;

“(3) promoting environmental standards adopted by the United States and standards promulgated under section 44714;

“(4) supporting the acceptance of Administration design and production approvals by other civil aviation authorities;

“(5) training Administration personnel and training provided to other persons;

“(6) engaging with regulated entities, including performing site visits;

“(7) activities associated with subsections (c) through (f) of this section; and

“(8) other activities as determined by the Administrator.”.

SEC. 504. HELICOPTER AIR AMBULANCE OPERATIONS.

(a) **OUTDATED AIR AMBULANCE RULEMAKING REQUIREMENT.**—Section 44730 of title 49, United States Code, is amended—

(1) in subsection (a)(1) by striking “not later than 180 days after the date of enactment of this section.”;

(2) in subsection (c) by striking “address the following” and inserting “consider, or address through other means, the following”;

(3) in subsection (d) by striking “provide for the following” and inserting “consider, or address through other means, the following”; and

(4) in subsection (e)—

(A) in the heading by striking “SUBSEQUENT RULEMAKING” and inserting “SUBSEQUENT ACTIONS”;

(B) in paragraph (1) by striking “shall conduct a follow-on rulemaking to address the following;” and inserting “shall address through a follow-on rulemaking, or through such other means that the Administrator considers appropriate, the following.”;

(C) by striking paragraph (2); and

(D) by redesignating paragraph (3) as paragraph (2).

(b) **SAFETY MANAGEMENT SYSTEMS BRIEFING.**—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on how the proposed rule published on January, 11, 2023, titled “Safety Management System” (88 Fed. Reg. 1932) will—

(1) improve helicopter air ambulance operations and piloting; and

(2) consider the use of safety equipment by flight crew and medical personnel on a helicopter conducting an air ambulance operation.

(c) **IMPROVEMENT OF PUBLICATION OF HELICOPTER AIR AMBULANCE OPERATIONS DATA.**—Section 44731 of title 49, United States Code, is amended—

(1) by striking subsection (d);

(2) in subsection (e)—

(A) in paragraph (1) by striking “and” at the end; and

(B) by striking paragraph (2) and inserting the following:

“(2) make publicly available, in part or in whole, on the website of the Federal Aviation Administration website, the database developed pursuant to subsection (c); and

“(3) analyze the data submitted under subsection (a) periodically and use such data to inform efforts to improve the safety of helicopter air ambulance operations.”; and

(3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 505. GLOBAL AIRCRAFT MAINTENANCE SAFETY IMPROVEMENTS.

(a) **FAA OVERSIGHT OF REPAIR STATIONS LOCATED OUTSIDE THE UNITED STATES.**—

(1) **IN GENERAL.**—Section 44733 of title 49, United States Code, is amended—

(A) in the heading by striking “**Inspection**” and inserting “**Oversight**”;

(B) in subsection (a) by striking “Not later than 1 year after the date of enactment of this section, the” and inserting “The”;

(C) in subsection (e)—

(i) by inserting “, without prior notice to such repair stations,” after “annually”;

(ii) by inserting “and the applicable laws of the country in which the repair station is located” after “international agreements”; and

(iii) by striking the last sentence and inserting “The Administrator may carry out announced or unannounced inspections in addition to the annual unannounced inspection required under this subsection based

on identified risks and in a manner consistent with United States obligations under international agreements and the applicable laws of the country in which the part 145 repair station is located.”;

(D) by redesignating subsection (g) as subsection (j); and

(E) by inserting after subsection (f) the following:

“(g) DATA ANALYSIS.—

“(1) IN GENERAL.—Each fiscal year in which a part 121 air carrier has had heavy maintenance work performed on an aircraft owned or operated by such carrier, such carrier shall provide to the Administrator, not later than the end of the following fiscal year, a report containing the information described in paragraph (2).

“(2) INFORMATION REQUIRED.—A report under paragraph (1) shall contain the following:

“(A) The location where any heavy maintenance work on aircraft was performed outside the United States.

“(B) A description of the work performed at each such location.

“(C) The date of completion of the work performed at each such location.

“(D) A list of all failures, malfunctions, or defects affecting the safe operation of such aircraft identified by the air carrier not later than 30 days after the date on which an aircraft is returned to service, organized by reference to aircraft registration number, that—

“(i) requires corrective action after the aircraft is approved for return to service; and

“(ii) results from such work performed on such aircraft.

“(E) The certificate number of the person approving such aircraft or on-wing aircraft engine, for return to service following completion of the work performed at each such location.

“(3) ANALYSIS.—The Administrator shall—

“(A) analyze information provided under this subsection and sections 121.703, 121.705, 121.707, and 145.221 of title 14, Code of Federal Regulations, or any successor provisions of such title, to detect safety issues associated with heavy maintenance work on aircraft performed outside the United States; and

“(B) require appropriate actions by an air carrier or repair station in response to any safety issue identified by the analysis conducted under subparagraph (A).

“(4) CONFIDENTIALITY.—Information provided under this subsection shall be subject to the same protections given to voluntarily provided safety or security related information under section 40123.

“(h) APPLICATIONS AND PROHIBITION.—

“(1) IN GENERAL.—The Administrator may not approve any new application under part 145 of title 14, Code of Federal Regulations, from a person located or headquartered in a country that the Administration, through the International Aviation Safety Assessment program, has classified as Category 2.

“(2) EXCEPTION.—Paragraph (1) shall not apply to an application for the renewal of a certificate issued under part 145 of title 14, Code of Federal Regulations.

“(3) MAINTENANCE IMPLEMENTATION PROCEDURES AGREEMENT.—The Administrator may elect not to enter into a new maintenance implementation procedures agreement with a country classified as Category 2, for as long as the country remains classified as Category 2.

“(3) PROHIBITION ON CONTINUED HEAVY MAINTENANCE WORK.—No part 121 air carrier may enter into a new contract for heavy maintenance work with a person located or headquartered in a country that the Administrator, through the International Aviation Safety Assessment program, has classified as Category 2, for as long as such country remains classified as Category 2.

“(i) MINIMUM QUALIFICATIONS FOR MECHANICS AND OTHERS WORKING ON U.S. REGISTERED AIRCRAFT.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Administrator shall require that, at each covered repair station—

“(A) all supervisory personnel of such station are appropriately certificated as a mechanic or repairman under part 65 of title 14, Code of Federal Regulations, or under an equivalent certification or licensing regime, as determined by the Administrator; and

“(B) all personnel of such station authorized to approve an article for return to service are appropriately certificated as a mechanic or repairman under part 65 of such title, or under an equivalent certification or licensing regime, as determined by the Administrator.

“(2) AVAILABLE FOR CONSULTATION.—Not later than 2 years after the date of enactment of this subsection, the Administrator shall require any individual who is responsible for approving an article for return to service or who is directly in charge of heavy maintenance work performed on aircraft operated by a part 121 air carrier be available for consultation while work is being performed at a covered repair station.”.

(2) DEFINITIONS.—

(A) IN GENERAL.—Section 44733(j) of title 49, United States Code (as redesignated by this section), is amended—

- (i) in paragraph (1) by striking “aircraft” and inserting “aircraft (including on-wing aircraft engines)”;
- (ii) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and
- (iii) by inserting before paragraph (2), as so redesignated, the following:

“(1) COVERED REPAIR STATION.—The term ‘covered repair station’ means a facility that—

- “(A) is located outside the United States;
- “(B) is a part 145 repair station; and
- “(C) performs heavy maintenance work on aircraft operated by a part 121 air carrier.”.

(B) TECHNICAL AMENDMENT.—Section 44733(a)(3) of title 49, United States Code, is amended by striking “covered part 145 repair stations” and inserting “part 145 repair stations”.

(3) CONFORMING AMENDMENTS.—The analysis for chapter 447 of title 49, United States Code, is amended by striking the item relating to section 44733 and inserting the following:

“44733. Oversight of repair stations located outside the United States.”.

(b) INTERNATIONAL STANDARDS FOR SAFETY OVERSIGHT OF EXTRATERRITORIAL REPAIR STATIONS.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall invite other civil aviation authorities to convene with the Administration an extraterritorial repair station working group (hereinafter referred to as the “Working Group”) to conduct a review of the certification and oversight of extraterritorial repair stations and to identify any future enhancements or harmonization that might be appropriate to strengthen oversight of such repair stations and improve global aviation safety.

(2) COMPOSITION OF WORKING GROUP.—The Working Group shall consist of—

- (A) technical representatives from the FAA; and
- (B) such other civil aviation authorities or international intergovernmental aviation safety organizations as the Administrator determines appropriate and are willing to participate, including—
 - (i) civil aviation authorities responsible for certifying extraterritorial repair stations; and
 - (ii) civil aviation authorities of countries in which extraterritorial repair stations are located.

(3) CONSULTATION.—In conducting the review under this section, the Working Group shall, as appropriate, consult with relevant experts and stakeholders.

(4) RECOMMENDATIONS.—The Working Group shall make recommendations with respect to any future enhancements that might be appropriate to—

- (A) strengthen oversight of extraterritorial repair stations; and
- (B) better leverage the resources of other civil aviation authorities to conduct such oversight.

(5) REPORTS.—

(A) REPAIR STATION WORKING GROUP REPORT.—In establishing the Working Group, the Administrator shall task the Working Group with submitting to the participating civil aviation authorities a report containing the findings of the recommendations made under paragraph (4).

(B) FAA REPORT.—

(i) TRANSMISSION OF REPAIR STATION WORKING GROUP REPORT.—The Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a copy of the report required under subparagraph (A) as soon as is practicable after the receipt of such report.

(ii) FAA BRIEFING TO CONGRESS.—Not later than 45 days after receipt of the report under paragraph (1), the Administrator shall brief the

Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on—

(I) whether the Administrator concurs or does not concur with each recommendation contained in the report required under subparagraph (A);

(II) any recommendation with which the Administrator does not concur, a detailed explanation as to why the Administrator does not concur;

(III) a plan to implement each recommendation with which the Administrator concurs; and

(IV) a plan to work with the international community to implement the recommendations applicable to both the FAA as well as other civil aviation authorities.

(6) **TERMINATION.**—The Working Group shall terminate 90 days after the date of submission of the report under paragraph (5)(A), unless the Administrator or another participant of the Working Group requests for an extension of the Working Group in order to inform the implementation and harmonization of any recommendation applicable to multiple civil aviation authorities.

(7) **DEFINITION OF EXTRATERRITORIAL REPAIR STATION.**—In this subsection, the term “extraterritorial repair station” means a repair station that performs heavy maintenance work on an aircraft (including on-wing engines) and that is located outside of the territory of the country of the civil aviation authority which certificated the repair station.

(c) **ALCOHOL AND DRUG TESTING AND BACKGROUND CHECKS.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report updating Congress on the progress and challenges involved with carrying out the requirements of subsection (b) of section 2112 of the FAA Extension, Safety, and Security Act of 2016 (49 U.S.C. 44733).

(2) **SUNSET.**—The reporting requirement under paragraph (1) shall cease to be effective after a final rule carrying out the requirements of such subsection (b) has been published in the Federal Register.

(3) **RULEMAKING ON ASSESSMENT REQUIREMENT.**—With respect to any employee not covered under the requirements of section 1554.101 of title 49, Code of Federal Regulations, the Administrator shall initiate a rulemaking or request the head of another Federal agency to initiate a rulemaking that requires a covered repair station to confirm that any such employee has successfully completed an assessment commensurate with a security threat assessment described in subpart C of part 1540 of such title.

(d) **DEFINITIONS.**—In this section:

(1) **FAA.**—The term “FAA” means the Federal Aviation Administration.

(2) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the FAA.

(3) **COVERED REPAIR STATION; HEAVY MAINTENANCE WORK.**—The terms “covered repair station” and “heavy maintenance work” have the meaning given those terms in section 44733(j) of title 49, United States Code.

SEC. 506. ODA BEST PRACTICE SHARING.

Section 44736(b) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking “Not later than 120 days after the date of enactment of this section, the” and insert “The”; and

(2) in paragraph (3)—

(A) in subparagraph (E) by striking “and” at the end;

(B) in subparagraph (F) by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(G) convene a forum not less than every 2 years between ODA holders, unit members, and other organizational representatives and relevant experts, in order to—

“(i) share best practices;

“(ii) instill professionalism, ethics, and personal responsibilities in unit members; and

“(iii) foster open and transparent communication between Administration safety specialists, ODA holders, and unit members.”.

SEC. 507. TRAINING OF ORGANIZATION DELEGATION AUTHORITY UNIT MEMBERS.

(a) **UNIT MEMBER ANNUAL ETHICS TRAINING.**—Section 44736 of title 49, United States Code, is further amended by adding at the end the following:

“(g) ETHICS TRAINING REQUIREMENT FOR ODA HOLDERS.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Administrator of the Federal Aviation Administration shall review and ensure each ODA holder approved under section 44741 has in effect a recurrent training program for all ODA unit members that covers—

- “(A) unit member professional obligations and responsibilities;
- “(B) the ODA holder’s code of ethics as required to be established under section 102(f) of the Aircraft Certification, Safety, and Accountability Act (49 U.S.C. 44701 note);
- “(C) procedures for reporting safety concerns, as described in the respective approved procedures manual for the delegation;
- “(D) the prohibition against and reporting procedures for interference from a supervisor or other ODA member described in section 44742; and
- “(E) any additional information the Administrator considers relevant to maintaining ethical and professional standards across all ODA holders and unit members.

“(2) FAA REVIEW.—

“(A) REVIEW OF TRAINING PROGRAM.—The Organization Designation Authorization Office of the Administration shall review each ODA holders’ recurrent training program to ensure such program includes all elements described in paragraph (1).

“(B) CHANGES TO PROGRAM.—Such Office may require changes to the training program considered necessary to maintain ethical and professional standards across all ODA holders and unit members.

“(3) TRAINING.—As part of the recurrent training required under paragraph (1), not later than 60 business days after being designated as an ODA unit member, and annually thereafter, each ODA unit member shall complete the ethics training required by the ODA holder of the respective ODA unit member in order to exercise the functions delegated under the ODA.

“(4) ACCOUNTABILITY.—The Administrator shall establish such processes or requirements as are necessary to ensure compliance with paragraph (3).”

(b) DEADLINE.—An ODA unit member authorized to perform delegated functions under an ODA prior to the date of completion of an ethics training required under section 44736(g) of title 49, United States Code, shall complete such training not later than 30 days after the training program is approved by the Administrator of the Federal Aviation Administration pursuant to such section.

SEC. 508. CLARIFICATION ON SAFETY MANAGEMENT SYSTEM INFORMATION DISCLOSURE.

Section 44735 of title 49, United States Code, is amended—

(1) in subsection (a)—

- (A) in paragraph (1) by striking “; or” and inserting a semicolon;
 - (B) in paragraph (2) by striking the period at the end and inserting “; or”;
- and

(C) by adding at the end the following:

“(3) if the report, data, or other information is submitted for any purpose relating to the development, implementation, and use of a safety management system, including a system required by regulation, that is acceptable to the Administrator.”; and

(2) by adding at the end the following:

“(d) OTHER AGENCIES.—

“(1) IN GENERAL.—The limitation established under subsection (a) shall apply to the head of any other Federal agency who receives reports, data, or other information described in such subsection from the Administrator.

“(2) RULE OF CONSTRUCTION.—This section shall not be construed to limit the accident or incident investigation authority of the National Transportation Safety Board under chapter 11, including the requirement to not disclose voluntarily provided safety-related information under section 1114.”

SEC. 509. EXTENSION OF AIRCRAFT CERTIFICATION, SAFETY, AND ACCOUNTABILITY ACT REPORTING REQUIREMENTS.

(a) APPEALS OF CERTIFICATION DECISIONS.—Section 44704(g)(1)(C)(ii) of title 49, United States Code, is amended by striking “2025” and inserting “2028”.

(b) OVERSIGHT OF ORGANIZATION DESIGNATION AUTHORIZATION UNIT MEMBERS.—Section 44741(f)(2) of title 49, United States Code, is amended by striking “Not later than 90 days” and all that follows through “the Administrator shall provide a briefing” and inserting “The Administrator shall provide an annual briefing each fiscal year through fiscal year 2028”.

(c) INTEGRATED PROJECT TEAMS.—Section 108(f) of the Aircraft Certification, Safety, and Accountability Act (49 U.S.C. 44704 note) is amended by striking “2023” and inserting “2028”.

(d) VOLUNTARY SAFETY REPORTING PROGRAM.—Section 113(f) of the Aircraft Certification, Safety, and Accountability Act (49 U.S.C. 44701 note) is amended by striking “2023” and inserting “2028”.

(e) CHANGED PRODUCT RULE.—Section 117(b)(1) of the Aircraft Certification, Safety, and Accountability Act (49 U.S.C. 44704 note) is amended by striking “2023” and inserting “2028”.

SEC. 510. DON YOUNG ALASKA AVIATION SAFETY INITIATIVE.

(a) IN GENERAL.—Chapter 447 of title 49, United States Code, is amended by adding at the end the following:

“§ 44745. Don Young Alaska Aviation Safety Initiative.

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall redesignate the FAA Alaska Aviation Safety Initiative of the Administration as the Don Young Alaska Aviation Safety Initiative (in this section referred to as the ‘Initiative’), under which the Administrator shall carry out the provisions of this section and take such other actions as the Administrator determines appropriate to improve aviation safety in covered locations.

“(b) OBJECTIVE.—The objective of the Initiative shall be to work cooperatively with aviation stakeholders and other stakeholders towards the goal of—

“(1) reducing the rate of fatal aircraft accidents in covered locations by 90 percent from 2019 to 2033; and

“(2) by January 1, 2033, eliminating fatal accidents of aircraft operated by an air carrier that operates under part 135 of title 14, Code of Federal Regulations.

“(c) LEADERSHIP.—

“(1) IN GENERAL.—The Administrator shall designate the Regional Administrator for the Alaskan Region of the Administration to serve as the Director of the Initiative.

“(2) REPORTING CHAIN.—In all matters relating to the Initiative, the Director of the Initiative shall report directly to the Administrator.

“(3) COORDINATION.—The Director of the Initiative shall coordinate with the heads of other offices and lines of business of the Administration, including the other regional administrators, to carry out the Initiative.

“(d) AUTOMATED WEATHER SYSTEMS.—

“(1) REQUIREMENT.—The Administrator shall ensure, to the greatest extent practicable, that a covered automated weather system is installed and operated at each covered airport not later than December 31, 2030.

“(2) WAIVER.—In complying with the requirement under paragraph (1), the Administrator may waive any positive benefit-cost ratio requirement for the installation and operation of a covered automated weather system.

“(3) PRIORITIZATION.—In developing the installation timeline of a covered automated weather system at a covered airport pursuant to this subsection, the Administrator shall—

“(A) coordinate and consult with the governments with jurisdiction over covered locations, covered airports, air carriers operating in covered locations, private pilots based in covered locations, and such other members of the aviation community in covered locations; and

“(B) prioritize early installation at covered airports that would enable the greatest number of instrument flight rule operations by air carriers operating under part 121 or 135 of title 14, Code of Federal Regulations.

“(4) RELIABILITY.—

“(A) IN GENERAL.—Pertaining to both Federal and non-Federal systems, the Administrator shall be responsible for ensuring—

“(i) the reliability of covered automated weather systems; and

“(ii) the availability of weather information from such systems.

“(B) SPECIFICATIONS.—The Administrator shall establish data availability and equipment reliability specifications for covered automated weather systems.

“(C) SYSTEM RELIABILITY AND RESTORATION PLAN.—Not later than 2 years after the date of enactment of this section, the Administrator shall establish an automated weather system reliability and restoration plan. Such plan shall document the Administrator’s strategy for ensuring covered automated weather system reliability, including the availability of weather information from such system, and for restoring service in as little time as possible.

“(D) TELECOMMUNICATIONS OR OTHER FAILURES.—If a covered automated weather system is unable to broadly disseminate weather information due to a telecommunications failure or a failure other than an equipment failure, the Administrator shall take such actions as may be necessary to restore the full functionality and connectivity of the covered automated

weather system. The Administrator shall take actions under this subparagraph with the same urgency as the Administrator would take an action to repair a covered automated weather system equipment failure or data fidelity issue.

“(E) RELIABILITY DATA.—In tabulating data relating to the operational status of covered automated weather systems (including individually or collectively), the Administrator may not consider a covered automated weather system that is functioning nominally but is unable to broadly disseminate weather information telecommunications failure or a failure other than an equipment failure as functioning reliably.

“(5) INVENTORY.—The Administrator shall consider storing excess inventory necessary for air traffic control equipment, including commonly required replacement parts, in covered locations to reduce the amount of time necessary to acquire such equipment or such parts necessary to replace or repair air traffic control system components.

“(6) VISUAL WEATHER OBSERVATION SYSTEM.—Not later than 1 year after the date of enactment of this section, the Administrator shall take such actions as may be necessary to—

“(A) deploy visual weather observation systems; and

“(B) ensure that such systems are capable of meeting the definition of covered automated weather systems.

“(e) WEATHER CAMERAS.—

“(1) IN GENERAL.—The Director shall continuously assess the state of the weather camera systems in covered locations to ensure the operational sufficiency and reliability of such systems.

“(2) APPLICATIONS.—The Director shall—

“(A) accept applications from persons to install weather cameras; and

“(B) consult with the governments with jurisdiction over covered locations, covered airports, air carriers operating in covered locations, private pilots based in covered locations, and such other members of the aviation community in covered locations as the Administrator determines appropriate to solicit additional locations at which to install and operate weather cameras.

“(3) PRESUMPTION.—Unless the Director has clear and compelling evidence to the contrary, the Director shall presume that the installation of a weather camera at a covered airport, or that is recommended by a government with jurisdiction over a covered location, is cost beneficial and will improve aviation safety.

“(f) COOPERATION WITH OTHER AGENCIES.—In carrying out this section, the Administrator shall cooperate with the heads of other Federal or State agencies with responsibilities affecting aviation safety in covered locations, including the collection and dissemination of weather data.

“(g) SURVEILLANCE AND COMMUNICATION.—

“(1) IN GENERAL.—The Director shall take such actions as may be necessary to—

“(A) encourage and incentivize the equipage of aircrafts that operate under part 135 of title 14, Code of Federal Regulations, with automatic dependent surveillance and broadcast out equipment; and

“(B) improve aviation surveillance and communications in covered locations.

“(2) REQUIREMENT.—Not later than December 31, 2030, the Administrator shall ensure that automatic dependent surveillance and broadcast coverage is available at 5,000 feet above ground level throughout each covered location.

“(3) WAIVER.—In complying with the requirement under paragraph (2), the Administrator shall waive any positive benefit-cost ratio requirement for the installation and operation of equipment and facilities necessary to implement such requirement.

“(4) SERVICE AREAS.—The Director shall continuously identify additional automatic dependent surveillance–broadcast service areas in which the deployment of automatic dependent surveillance–broadcast receivers and equipment would improve aviation safety.

“(h) OTHER PROJECTS.—The Director shall continue to build upon other initiatives recommended in the reports of the FAA Alaska Aviation Safety Initiative of the Administration published before the date of enactment of this section.

“(i) ANNUAL REPORT.—

“(1) IN GENERAL.—The Director shall submit an annual report on the status and progress of the Initiative to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(2) OBJECTIVES AND REQUIREMENTS.—The report under paragraph (1) shall include a detailed description of the Director’s progress in and plans for meeting the objectives of the Initiative under subsection (b) and the other requirements of this section.

“(3) STAKEHOLDER COMMENTS.—The Director shall append stakeholder comments, organized by topic, to each report submitted under paragraph (1) in the same manner as appendix 3 of the report titled ‘FAA Alaska Aviation Safety Initiative FY21 Final Report’, dated September 30, 2021.

“(j) FUNDING.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, in fiscal years 2024 through 2028—

“(A) the Administrator may, upon application from the government with jurisdiction over a covered location, use amounts apportioned to a covered location under subsection (d)(2)(B) or subsection (e)(5) of section 47114 to carry out the Initiative; or

“(B) the sponsor of an airport in a covered location that receives an apportionment under subsection (d)(2)(B) or subsection (e) of section 47114 may use such apportionment for any purpose contained in this section.

“(2) SUPPLEMENTAL FUNDING.—Out of amounts made available under section 106(k) and section 48101, not more than a total of \$25,000,000 for each of fiscal year 2024 through 2028 is authorized to be expended to carry out the Initiative.

“(k) DEFINITIONS.—In this section:

“(1) COVERED AIRPORT.—The term ‘covered airport’ means an airport in a covered location that is included in the national plan of integrated airport systems required under section 47103 and that has a status other than unclassified in such plan.

“(2) COVERED AUTOMATED WEATHER SYSTEM.—The term ‘covered automated weather system’ means an automated or visual weather reporting facility that enables a pilot to begin an instrument procedure approach to an airport under section 91.1039 or 135.225 of title 14, Code of Federal Regulations.

“(3) COVERED LOCATION.—The term ‘covered location’ means Alaska, Hawaii, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, and the United States Virgin Islands.”.

(b) REMOTE POSITIONS.—Section 40122(g) of title 49, United States Code, is amended by adding at the end the following:

“(7) REMOTE POSITIONS.—

“(A) IN GENERAL.—If the Administrator determines that a covered position has not been filled after multiple vacancy announcements and that there are unique circumstances affecting the ability of the Administrator to fill such position, the Administrator may consider, in consultation with the appropriate labor union, applicants for the covered position who apply under a vacancy announcement recruiting from the State or territory in which the position is based.

“(B) COVERED POSITION DEFINED.—In this paragraph, the term ‘covered position’ means a safety-critical position based in Alaska, Hawaii, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands.”.

(c) RUNWAY LENGTH.—Notwithstanding any other provision of law, the Secretary of Transportation may not require an airport to shorten a runway or prevent airport improvement grants made by the Secretary to be used for reconstructing and rehabilitating a primary runway on the basis that the airport does not have a sufficient number of aircraft operations requiring a certain runway length if—

(1) the airport is located in a covered location;

(2) the airport is not connected to the road transportation network; and

(3) the runway length is utilized by aircraft to deliver necessary cargo, including heating fuel and gasoline, for the community served by the airport.

(d) ALASKAN REGIONAL ADMINISTRATOR.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the Regional Administrator for the Alaskan Region is a uniquely important position that contributes to aviation safety in the State of Alaska;

(B) vacancies in any Federal Aviation Administration office have a deleterious effect on the efficacy of the Alaskan Region office;

(C) a prolonged vacancy in the position of Regional Administrator for the Alaskan Region may be detrimental to the effective administration of such region and the Don Young Alaska Aviation Safety Initiative; and

(D) the Administrator of the Federal Aviation Administration should ensure that any vacancy in the position of Regional Administrator for the Alaskan Region is filled with a highly qualified candidate as expeditiously as possible.

(2) VACANCY NOTIFICATION REQUIREMENTS.—

(A) INITIAL VACANCY.—The Administrator of the Federal Aviation Administration shall notify the appropriate committees of Congress when there is a vacancy for the position of Regional Administrator for the Alaskan Region.

(B) STATUS UPDATES.—Not later than 90 days after the notification under subparagraph (A) (and every 30 days thereafter until the vacancy described under subparagraph (A) is filled), the Administrator shall notify the appropriate committees of Congress of any vacancy of such position, if so, provide an estimated timeline for filling such vacancy.

(C) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this paragraph, the term “appropriate committees of Congress” means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(D) SUNSET.—This paragraph shall cease to be effective after September 30, 2028.

(e) IMPLEMENTATION OF NTSB RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Administrator shall take such actions as may be necessary to implement National Transportation Safety Board recommendations A-22-25 and A-22-26 (as contained in Aviation Investigation Report AIR-22-09, adopted November 16, 2022).

(2) COORDINATION.—In taking actions under paragraph (1), the Administrator shall coordinate with the State of Alaska, airports in Alaska, air carriers operating in Alaska, private pilots (including tour operators) based in Alaska, and such other members of the Alaska aviation community or other stakeholders as the Administrator determines appropriate.

(f) CLERICAL AMENDMENT.—The analysis for chapter 447 of title 49, United States Code, is amended by adding at the end the following:

“44745. Don Young Alaska Aviation Safety Initiative.”

SEC. 511. CONTINUED OVERSIGHT OF FAA COMPLIANCE PROGRAM.

Section 122 of the Aircraft Certification, Safety, and Accountability Act (Public Law 116-260; 134 Stat. 2344) is amended—

(1) in subsection (b) by striking paragraph (2) and inserting the following:

“(2) conduct an annual agency-wide evaluation of the Compliance Program through fiscal year 2028 to assess the functioning and effectiveness of such program and to determine—

“(A) the need for long-term metrics that, to the maximum extent practicable, apply to all program offices to assess the effectiveness of the program;

“(B) if the program ensures the highest level of compliance with safety standards; and

“(C) if the program has met its stated safety goals and purpose;”;

(2) in subsection (c)(4) by striking “2023” and inserting “2028”; and

(3) in subsection (d) by striking “2023” and inserting “2028”.

SEC. 512. SCALABILITY OF SAFETY MANAGEMENT SYSTEMS.

In conducting any rulemaking to require, or implementing a regulation requiring, a safety management system, the Administrator of the Federal Aviation Administration shall consider the scalability of such safety management system requirements to the full range of entities in terms of size or complexity that may be affected by such rulemaking or regulation, including—

(1) how an entity can demonstrate compliance using various documentation, tools, and methods, including, as appropriate, systems with multiple small operators collectively monitoring for and addressing risks;

(2) a review of traditional safety management techniques and the suitability of such techniques for small entities;

(3) the applicability of existing safety management system programs implemented by an entity;

(4) the suitability of existing requirements under part 5 of title 14, Code of Federal Regulations, for small entities; and

(5) other unique challenges relating to small entities the Administrator determines appropriate to consider.

SEC. 513. FINALIZE SAFETY MANAGEMENT SYSTEM RULEMAKING.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a final rule relating to the Notice of Proposed Rulemaking of the Federal Aviation Administration titled “Safety Management Systems”, issued on January 11, 2023.

(b) **APPLICABILITY.**—In issuing a final rule under subsection (a), the Administrator shall ensure that the safety management system requirement under the Notice of Proposed Rulemaking described in subsection (a) is applied to all certificate holders operating under the rules for commuter and on-demand operations under part 135 of title 14, Code of Federal Regulations, commercial air tour operators operating under section 91.147 of such title, production certificate holders that are holders or licensees of a type certificate for the same product, and holders of a type certificate who license out such certificate for production under part 21 of such title.

SEC. 514. IMPROVEMENTS TO AVIATION SAFETY INFORMATION ANALYSIS AND SHARING.

(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall implement improvements to the Aviation Safety Information Analysis and Sharing Program with respect to safety data sharing and risk mitigation.

(b) **REQUIREMENTS.**—In carrying out subsection (a), the Administrator shall—

- (1) identify methods to increase the rate at which data is collected, processed, and analyzed to expeditiously share safety intelligence;
- (2) develop predictive capabilities to anticipate emerging safety risks;
- (3) identify methods to improve shared data environments with external stakeholders;
- (4) establish a robust process for prioritizing requests for safety information;
- (5) establish guidance to encourage regular safety inspector review of non-confidential aviation safety and performance data;
- (6) identify industry segments not yet included and conduct outreach to such industry segments to increase the rate of participation, including—
 - (A) general aviation;
 - (B) rotorcraft;
 - (C) air ambulance; and
 - (D) maintenance facilities; and

(7) establish processes for obtaining and analyzing comprehensive and aggregate data for new and future industry segments.

(c) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed—

- (1) to require the Administrator to share confidential or proprietary information and data to safety inspectors for purposes of enforcement; or
- (2) to limit the applicability of section 44735 of title 49, United States Code, to the Aviation Safety Information Analysis and Sharing Program.

(d) **BRIEFING.**—Not later than 180 days after the date of enactment of this Act, and every 6 months thereafter until the improvements under subsection (a) are made, the Administrator shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the progress of implementation of the Aviation Safety Information Analysis and Sharing Program and steps taken to make improvements under subsection (a).

SEC. 515. IMPROVEMENT OF CERTIFICATION PROCESSES.

(a) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall continually look for opportunities and methods to improve the processing of applications, consideration of applications, communication with applicants, and quality of feedback provided to applicants, for aircraft certification projects.

(b) **CERTIFICATION IMPROVEMENTS.**—Not later than 270 days after the date of enactment of this Act, the Administrator shall enter into an appropriate arrangement with a qualified third-party organization or consortium to identify and assess digital tools and software systems to allow for efficient and virtual evaluation of an applicant design, associated documentation, and software or systems engineering product, including in digital 3 dimensional formats or using model-based systems engineering design techniques for aircraft certification projects.

(c) **PARTIES TO REVIEW.**—In identifying digital tools and software systems as described in subsection (b), the Administrator shall ensure that the qualified third-party organization or consortium entering into an arrangement under this section shall, throughout the review, consult with—

- (1) the aircraft certification and flight standards offices or services of the Administration; and
- (2) at least 3 industry members representing aircraft and aircraft part manufacturing interests.

(d) **DIGITAL TOOL AND SOFTWARE SYSTEM REQUIREMENTS.**—In identifying digital tools and software systems under subsection (b), the qualified third-party organization or consortium shall—

- (1) consider the interoperability of such systems to the extent practicable;

- (2) consider the scalability and usability of such systems for differing use-cases by aircraft manufacturers, aircraft operators, and the Administration, including cross-office use-cases within the Administration;
- (3) consider such systems currently in use by United States manufacturers or other civil aviation authorities for certification and engineering purposes;
- (4) consider the—
 - (A) available technology support for such systems; and
 - (B) ability for such systems to be updated and adapted over time to improve user interfaces, including providing additional functionalities and addressing gaps;
- (5) consider the ability of digital tools and software systems to aid in the electronic review of software components of aircraft and aircraft systems;
- (6) consider the ability of the Administration and aircraft designers to use digital tools and software systems for corrective actions and modifications in a more rapid fashion;
- (7) determine if each system provides adequate protections for the exchange of information between governmental and nongovernmental entities, including—
 - (A) intellectual property protections;
 - (B) cyber and network security protections; and
 - (C) the ability for governmental and nongovernmental entities to control what is acceptable and what is restricted for other parties;
- (8) evaluate the estimated ease of adoption and any impediments to adoption for personnel of the Federal Aviation Administration; and
- (9) evaluate the ability for nongovernmental organizations of various sizes to adopt and utilize the digital and software systems identified under subsection (b) to improve the aircraft certification application and coordination processes with the Administration.
- (e) ASSESSMENT.—After reviewing digital and software systems under subsection (b), the qualified third-party organization or consortium shall provide an assessment to the Administrator as to—
 - (1) whether or not digital and software systems and tools would improve the coordination of the Administration with industry;
 - (2) whether or not such systems and tools would improve the ability of the Administration to validate and verify aircraft and software designs in non-paper formats; and
 - (3) the potential safety benefits or safety risks of using such systems and tools.
- (f) CONTENT OF ASSESSMENT.—In the event the qualified third-party organization or consortium finds that digital and software systems and tools would assist the work of the Administration and improve certification projects processing, the assessment described under subsection (e) shall also include—
 - (1) a prioritization, expected costs, and timeline of acquisitions and training based on immediate and future needs and benefits; and
 - (2) suggest actions the Administration could take in order to institutionalize the use of such technologies at the headquarters and field offices of the Administration, and to protect information shared through such technologies, including recommended updates to orders issued by the Administration.
- (g) IMPLEMENTATION.—Based on the assessment required in subsections (e) and (f), if the qualified third-party organization finds that the use of digital software systems and tools would assist the work of the agency, the Administrator shall—
 - (1) provide the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate with a briefing on the intended actions of the Administrator;
 - (2) not later than 60 days after receiving such assessment develop a plan to—
 - (A) work towards the acquisition of the systems and tools recommended, subject to the availability of appropriations;
 - (B) update any applicable orders and guidance to allow for the use of these new systems and tools by personnel of the Administration and nongovernmental entities applying to or coordinating with the Administration on certification related activities, at the discretion of the applicant or nongovernmental entity;
 - (C) on an ongoing basis review and modify orders and guidance to improve the use of these systems and tools as well as addressing any intellectual property vulnerabilities; and
- (h) BRIEFING.—Not later than 30 months after receiving such assessment, the Administrator shall provide the committees described in paragraph (1) with a briefing on the use, benefits, and any drawbacks of the systems and tools, including compar-

sons between certification programs using and not using digital and software systems and tools.

SEC. 516. INSTRUCTIONS FOR CONTINUED AIRWORTHINESS AVIATION RULEMAKING COMMITTEE.

(a) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall convene an aviation rulemaking committee to review, and develop findings and recommendations regarding, instructions for continued airworthiness (as described in section 21.50 of title 14, Code of Federal Regulations), and provide to the Administrator a report on such findings and recommendations and for other related purposes as determined by the Administrator.

(b) **COMPOSITION.**—The aviation rulemaking committee established pursuant to subsection (a) shall consist of members appointed by the Administrator, including representatives of—

- (1) holders of type certificates (as described in subpart B of part 21, title 14, Code of Federal Regulations);
- (2) holders of production certificates (as described in subpart G of part 21, title 14, Code of Federal Regulations);
- (3) holders of parts manufacturer approvals (as described in subpart K of part 21, title 14, Code of Federal Regulations);
- (4) holders of technical standard order authorizations (as described in subpart O of part 21, title 14, Code of Federal Regulations);
- (5) operators under parts 121, 125, or 135 of title 14, Code of Federal Regulations;
- (6) holders of repair station certificates (as described in section 145 of title 14, Code of Federal Regulations);
- (7) the certified bargaining representative of aviation safety inspectors for the Administration;
- (8) general aviation operators;
- (9) mechanics certificated under part 65 of title 14, Code of Federal Regulations;
- (10) holders of supplemental type certificates (as described in subpart E of part 21 of title 14, Code of Federal Regulations);
- (11) designated engineering representatives employed by repair stations; and
- (12) aviation safety experts with specific knowledge of instructions for continued airworthiness policies and regulations.

(c) **CONSIDERATIONS.**—The aviation rulemaking committee established pursuant to subsection (a) shall consider—

- (1) existing standards, regulations, certifications, assessments, and guidance related to instructions for continued airworthiness and the clarity of such standards, regulations, certifications, assessments, and guidance to all parties;
- (2) the sufficiency of safety data used in preparing instructions for continued airworthiness;
- (3) the sufficiency of maintenance data used in preparing instructions for continued airworthiness;
- (4) the protection of proprietary information and intellectual property in instructions for continued airworthiness;
- (5) the availability of instructions for continued airworthiness, as needed, for maintenance activities;
- (6) the need to harmonize or deconflict proposed and existing regulations with other Federal regulations, guidance, and policies;
- (7) international collaboration, where appropriate and consistent with the interests of safety in air commerce and national security, with other civil aviation authorities, international aviation and standards organizations, and any other appropriate entities; and
- (8) any other matter the Administrator determines appropriate.

(d) **DUTIES.**—The Administrator shall—

- (1) not later than 1 year after the date of enactment of this Act, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a copy of the aviation rulemaking committee report under subsection (a); and
- (2) not later than 180 days after the date of submission of the report under paragraph (1), initiate a rulemaking activity or make such policy and guidance updates necessary to address any consensus recommendations reached by the aviation rulemaking committee established pursuant to subsection (a), as determined appropriate by the Administrator.

SEC. 517. CLARITY FOR SUPPLEMENTAL TYPE CERTIFICATE REQUIREMENTS.

(a) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall issue or update guidance, policy documents, orders, job aids, or regulations to clarify the conditions under which a major alteration will require a supplemental type certificate under part 21 of title 14, Code of Federal Regulations.

(b) **CONTENTS.**—Issuances or updates under subsection (a) shall include providing clarity around—

(1) the terms “might appreciatively effect” and “no appreciable effect pursuant to sections 1.1 and 21.93 of title 14, Code of Federal Regulations, respectively”; and

(2) whether the term “other approved design”, as such term appears in part 21.1 of title 14, Code of Federal Regulations, includes engineering data approved by the Administrator by means other than through a supplemental type certificate.

(c) **CONSIDERATIONS.**—In satisfying subsection (a), the Administrator shall make such updates as necessary to provide consideration for the level of effort required by an applicant to make a major alteration and the associated level of risk to the national airspace system for a single aircraft or multiple aircraft using such alteration.

SEC. 518. USE OF ADVANCED TOOLS IN CERTIFYING AEROSPACE PRODUCTS.

(a) **IN GENERAL.**—Not later than 30 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall complete an assessment of the use of advanced tools during the testing, analysis, and verification stages of aerospace certification projects to reduce the risks associated with high-risk flight profiles and performing limit testing.

(b) **CONSIDERATIONS.**—In carrying out the assessment under subsection (a), the Administrator shall consider—

(1) instances where high risk flight profiles and limit testing have already occurred in the certification process and the applicability of such test data for use in other aspects of flight testing;

(2) the safety of pilots during such testing;

(3) the value and accuracy of data collected using such advanced tools;

(4) the ability to produce more extensive data sets using such advanced tools;

(5) any aspects of testing for which the use of such tools would not be valuable or applicable;

(6) the cost of using such advanced tools; and

(7) the best practices of other civil aviation authorities that permit the use of advanced tools during aerospace certification projects.

(c) **CONSULTATION.**—In carrying out the assessment under subsection (a), the Administrator shall consult with—

(1) aircraft manufacturers, including manufacturers that have designed and certified aircraft under—

(A) part 23 of title 14, Code of Federal Regulations;

(B) part 25 of such title; or

(C) part 27 of such title;

(2) aircraft manufacturers that have designed and certified, or are in the process of certifying, aircraft with a novel design under part 21.17(b) of such title;

(3) associations representing aircraft manufacturers;

(4) researchers and academics in related fields; and

(5) pilots who are experts in flight testing.

(d) **CONGRESSIONAL REPORT.**—Not later than 60 days after the completion of the assessment under subsection (a), the Administrator shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on—

(1) the results of the assessment conducted under subsection (a); and

(2) how the Administrator plans to implement the findings of the assessment and any changes needed to Administration policy, guidance, and regulations to allow for and optimize the use of advanced tools during the certification of aerospace products in order to reduce risk and improve safety outcomes.

SEC. 519. TRANSPORT AIRPLANE AND PROPULSION CERTIFICATION MODERNIZATION.

Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall publish a notice of proposed rulemaking for the rulemaking activity titled “Transport Airplane and Propulsion Certification Modernization”, published in Fall 2022 in the Unified Agenda of Federal Regulatory and Deregulatory Actions (RIN 2120–AL42).

SEC. 520. ENGINE FIRE PROTECTION STANDARDS.

(a) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish an internal regulatory review team to review and compare domestic and international airworthiness standards and guidance for aircraft engine firewalls.

(b) **REVIEW.**—In completing the review under subsection (a), the regulatory review team shall—

(1) identify any significant differences in standards or guidance with respect to test article selection, fire test boundaries, and pass-fail criteria;

(2) consider if alternative international standards used by peer civil aviation authorities reflect best practices that should be adopted by the Administration;

(3) recommend updates, if appropriate, to the Significant Standards List of the Administration based on any findings;

(4) assess whether a selection of aircraft engine firewalls certified by other civil aviation authorities, which were validated by the Administration, comply with the requirements of the Administration;

(5) recommend actions the Administration should take during future validation activities or with other civil aviation authorities to address any gaps in requirements; and

(6) consult with industry stakeholders during such review.

(c) **BRIEFING.**—Not later than 120 days after the completion of the review under subsection (a), the Administrator shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the findings and recommendations stemming from such review.

SEC. 521. RISK MODEL FOR PRODUCTION FACILITY INSPECTIONS.

(a) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act and periodically thereafter, the Administrator of the Federal Aviation Administration shall—

(1) conduct a review of the risk-based model used by Federal Aviation Administration certification management offices to inform the frequency of aircraft manufacturing or production facility inspections; and

(2) update the model to ensure such model adequately accounts for risk at facilities during periods of increased production.

(b) **BRIEFINGS.**—Not later than 60 days after the date on which the review is conducted under subsection (a), the Administrator shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on—

(1) the results of the review;

(2) any changes made to the risk-based model described in subsection (a); and

(3) how such changes would help improve the in-plant inspection process.

SEC. 522. SECONDARY COCKPIT BARRIERS.

(a) **IN GENERAL.**—Not later than 6 months after the issuance of a final rule on the proposed rule of the Federal Aviation Administration titled “Installation and Operation of Flightdeck Installed Physical Secondary Barriers on Transport Category Airlines in Part 121 Service”, and issued on August 1, 2022 (87 Fed. Reg. 46892), the Administrator of the Federal Aviation Administration shall convene an aviation rulemaking committee to review and develop findings and recommendations to require installation of a secondary cockpit barrier on aircraft operated under the provisions of part 121 of title 14, Code of Federal Regulations, that are not captured under another regulation or proposed regulation.

(b) **MEMBERSHIP.**—The Administrator shall appoint the members of the rulemaking committee convened under subsection (a), which shall be comprised of at least 1 representative each of—

(1) mainline air carriers;

(2) regional air carriers;

(3) cargo air carriers;

(4) aircraft manufacturers;

(5) a labor group representing pilots;

(6) a labor group representing flight attendants; and

(7) other stakeholders the Administrator determines appropriate.

(c) **CONSIDERATIONS.**—The aviation rulemaking committee convened under subsection (a) shall consider—

(1) minimum dimension requirements for secondary barriers on all aircraft types operated under part 121 of title 14, Code of Federal Regulations;

(2) secondary barrier performance standards manufacturers and air carriers must meet for such aircraft types;

- (3) the availability of certified secondary barriers suitable for use on such aircraft types;
- (4) the development, certification, testing, manufacturing, installation, and training for secondary barriers for such aircraft types;
- (5) flight duration and stage length;
- (6) the location of lavatory on such aircraft as related to operational complexities;
- (7) operational complexities;
- (8) any risks to safely evacuate passengers of such aircraft; and
- (9) other considerations the Administrator determines appropriate.

(d) **REPORT TO CONGRESS.**—Not later than 18 months after the convening of the aviation rulemaking committee described in subsection (a), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report based on the findings and recommendations of the aviation rulemaking committee convened under subsection (a), to include—

- (1) if applicable, any dissenting positions on the findings and the rationale for each position; and
- (2) any disagreements, including the rationale for each position and the reasons for the disagreement.

SEC. 523. REVIEW OF FAA USE OF AEROSPACE SAFETY DATA.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into an appropriate arrangement with a qualified third-party organization or consortium to evaluate the Administration's collection, collation, analysis, and use of aerospace data across the Administration.

(b) **CONSULTATION.**—In completing the evaluation under subsection (a), the qualified third-party organization or consortium shall—

- (1) seek the input of experts in data analytics, including at least 1 expert in the commercial data services or analytics solutions sector;
- (2) consult with the National Transportation Safety Board and the Transportation Research Board; and
- (3) consult with appropriate federally funded research and development centers, to the extent that such centers are not already involved in the evaluation.

(c) **SUBSTANCE OF EVALUATION.**—In completing the evaluation under subsection (a), the qualified third-party organization or consortium shall—

- (1) compile a list of internal and external sources, databases, and streams of information the Administration receives or has access to that provide the Administration with operational or safety information and data about the national airspace system, its users, and other regulated entities of the Administration;
- (2) review data sets to determine completeness and accuracy of relevant information;
- (3) identify gaps in information that the Administration could fill through sharing agreements, partnerships, or other means that would add value during safety trend analysis;
- (4) assess the Administration's capabilities, including analysis systems and workforce skillsets, to analyze relevant data and information to make informed decisions;
- (5) review data and information for proper storage, identification controls, and data privacy—
 - (A) as required by law; and
 - (B) consistent with best practices for data collection, storage, and use;
- (6) review the format of such data and identify methods to improve the usefulness of such data;
- (7) assess internal and external access to data for—
 - (A) appropriateness based on data type and level of detail;
 - (B) proper data access protocols and precautions; and
 - (C) maximizing availability of safety-related data that could support the improvement of safety management systems of and trend identification by regulated entities and the Administration;
- (8) examine the collation and dissemination of data within offices and between offices of the Administration;
- (9) review and recommend improvements to the data analysis techniques of the Administration; and
- (10) recommend investments the Administration should consider to better collect, manage, and analyze data sets, including within and between offices of the Administration.

(d) **ACCESS TO INFORMATION.**—The Administration shall provide the qualified third-party organization or consortium and the experts described in subsection (b) with adequate access to safety and operational data collected by and held by the agency across all offices of the Administration, except if specific access is otherwise prohibited by law.

(e) **NONDISCLOSURE.**—Prior to participating in the review, the Administrator shall ensure that each person participating in the evaluation under this section enters into an agreement with the Administrator in which the person shall be prohibited from disclosing at any time, except as required by law, to any person, foreign or domestic, any non-public information made accessible to the federally funded research and development center under this section.

(f) **REPORT.**—The qualified third-party organization or consortium carrying out the evaluation under this section shall provide a report of the findings of the center to the Administrator and include recommendations to improve the Administration's collection, collation, analysis, and use of aerospace data, including recommendations to—

- (1) improve data access across offices within the Administration, as necessary, to support efficient execution of safety analysis and programs across such offices;
- (2) improve data storage best practices;
- (3) develop or refine methods for collating data from multiple administration and industry sources; and
- (4) procure or use available analytics tools to draw conclusions and identify previously unrecognized trends or miscategorized risks in the aviation system, particularly when identification of such information requires the analysis of multiple sets of data from multiple sources.

(g) **IMPLEMENTATION OF RECOMMENDATIONS.**—Not later than 6 months after the receipt of the report under subsection (f), the Administrator shall review, develop an implementation plan, and begin the implementation of the recommendations received in such report.

(h) **REVIEW OF IMPLEMENTATION.**—The qualified third-party organization or consortium that conducted the initial evaluation, and any experts who contributed to such evaluation pursuant to subsection (b)(1), shall provide regular feedback and advice to the Administrator on the implementation plan developed under subsection (g) and any implementation activities for at least 2 years beginning on the date of the receipt of the report under subsection (f).

(i) **REPORT TO CONGRESS.**—The Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the report described in subsection (f) and the implementation plan described in subsection (g).

(j) **EXISTING REPORTING SYSTEMS.**—Consistent with section 132 of the Aircraft Certification, Safety, and Accountability Act (Public Law 116–260), the Executive Director of the Transportation Research Board, in consultation with the Secretary of Transportation and the Administrator, may further harmonize data and sources following the implementation of recommendations contained in the report required under subsection (g).

SEC. 524. PART 135 DUTY AND REST.

(a) **PART 91 TAIL-END FERRY RULEMAKING.**—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall require that any operation conducted by a flightcrew member during an assigned duty period under the operational control of an operator holding a certificate under part 135 of title 14, Code of Federal Regulations, before, during, or after the duty period (including any operations under part 91 of title 14, Code of Federal Regulations), without an intervening rest period, shall count towards the flight time and duty period limitations of such flightcrew member under part 135 of title 14, Code of Federal Regulations.

(b) **RECORD KEEPING.**—Not later than 1 year after the date of enactment of this Act, the Administrator shall update any Administration policy and guidance regarding complete and accurate record keeping practices for operators holding a certificate under part 135 of title 14, Code of Federal Regulations, in order to properly document, at a minimum—

- (1) flightcrew assignments;
- (2) flightcrew rest notifications;
- (3) compliance with flight and duty times limitations and post-duty rest requirements; and
- (4) duty period start and end times.

(c) **SAFETY MANAGEMENT SYSTEM OVERSIGHT.**—The Administrator, in performing oversight of the safety management system of an operator holding a certificate

under part 135 of title 14, Code of Federal Regulations, following the implementation of the final rule issued based on the rulemaking titled “Safety Management Systems”, and published on January 11, 2023 (88 Fed. Reg 1932), shall ensure such operator is evaluating and appropriately mitigating aviation safety risks, including, at minimum, risks associated with—

- (1) inadequate flightcrew member duty and rest periods; and
- (2) incomplete records pertaining to flightcrew rest, duty, and flight times.

SEC. 525. COCKPIT VOICE AND VIDEO RECORDERS.

(a) IN GENERAL.—Chapter 447 of title 49, United States Code, is further amended by adding at the end the following:

“§ 44746. Cockpit recording device

“(a) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall complete a rulemaking proceeding to—

“(1) require that, not later than 4 years after the date of enactment of this section, all applicable aircraft are fitted with a cockpit voice recorder and a flight data recorder that are each capable of recording the most recent 25 hours of data;

“(2) prohibit any person from deliberately erasing or tampering with any recording on such a cockpit voice recorder or flight data recorder following a National Transportation Safety Board reportable event under part 830 of title 49, Code of Federal Regulations, and provide for civil and criminal penalties for such deliberate erasing or tampering, which may be assessed in accordance with section 1155 and section 32 of title 18;

“(3) require that such a cockpit voice recorder has the capability for an operator to use an erasure feature, such as an installed bulk erase function, consistent with applicable law and regulations;

“(4) require that, in the case of such a cockpit voice recorder or flight data recorder that uses a solid state recording medium in which activation of a bulk erase function assigns a random discrete code to the deleted recording, only the manufacturer of the recorder and National Transportation Safety Board have access to the software necessary to determine the code in order to extract the deleted recorded data; and

“(5) ensure that data on such a cockpit voice recorder or a flight data recorder, through technical means other than encryption (such as overwriting or the substitution of a blank recording medium before the recorder is returned to the owner) is not disclosed for use other than for accident or incident investigation purposes.

“(b) PROHIBITED USE.—A cockpit voice recorder recording shall not be used by the Administrator or any employer for any certificate action, civil penalty, or disciplinary proceedings against flight crewmembers.

“(c) APPLICABLE AIRCRAFT DEFINED.—In this section, the term ‘applicable aircraft’ means an aircraft that is—

- “(1) operated under part 121 of title 14, Code of Federal Regulations; and
- “(2) required by regulation to have a cockpit voice recorder or a flight data recorder.”

(b) CLERICAL AMENDMENT.—The analysis for chapter 447 of title 49, United States Code, is further amended by adding at the end the following:

“44746. Cockpit recording device.”

SEC. 526. FLIGHT DATA RECOVERY FROM OVERWATER OPERATIONS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall direct the Aviation Rulemaking Advisory Committee (hereinafter referred to as the “Committee” in this section) to review regulations regarding flight data recovery for aircraft—

- (1) operated under part 121 of title 14, Code of Federal Regulations; and
- (2) used in extended overwater operations.

(b) CONSIDERATIONS.—In carrying out the review pursuant to subsection (a), the Committee shall provide to the Administrator any consensus recommendations for the equipage of aircraft described in subsection (a) with a cockpit voice recorder and a flight data recorder that—

(1) provide a means, in the event of an accident, to recover mandatory flight data parameters in a manner that does not require the underwater retrieval of the cockpit voice recorder or flight data recorder;

(2) is equipped with a tamper-resistant method to broadcast sufficient information to a ground station to establish the location where an aircraft terminates flight as the result of an accident within 6 nautical miles of the point of impact of the aircraft; and

(3) is equipped with an airframe low-frequency underwater locating device that functions for at least 90 days and that can be detected by appropriate equipment.

(c) **RECOMMENDATIONS.**—Not later than 18 months after tasking the aviation rule-making advisory committee under subsection (a), the committee shall submit to the Administrator any consensus recommendations developed under subsection (b).

(d) **RULEMAKING.**—Not later than 1 year after receiving any recommendations pursuant to subsection (c), the Administrator shall initiate a rulemaking activity based on such consensus recommendations, if determined appropriate.

(e) **BRIEFING.**—If the Administrator decides not to issue a final rule with respect to the rulemaking initiated under subsection (d), the Administrator shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the justification for such decision.

SEC. 527. EMERGENCY MEDICAL EQUIPMENT ON PASSENGER AIRCRAFT.

(a) **IN GENERAL.**—Not later than 12 months after date of enactment of this Act, the Administrator of the Federal Aviation Administration shall review and update, as appropriate, part 121 of title 14, Code of Federal Regulations, regarding emergency medical equipment, including the contents of emergency medical kits, and training required for flight crew.

(b) **CONSIDERATION.**—In carrying out subsection (a), the Administrator shall consider—

(1) the benefits and costs (including the costs of flight diversions and emergency landings) of requiring any new medications or equipment necessary to be included in approved emergency medical kits under part 121 of title 14, Code of Federal Regulations; and

(2) whether the contents of the emergency medical kits include the appropriate medications and equipment that can practicably be administered to address—

- (A) the emergency medical needs of children and pregnant women;
- (B) opioid overdose;
- (C) anaphylaxis; and
- (D) cardiac arrest.

(c) **CONSULTATION.**—In conducting the review required under subsection (a), the Administrator shall consult with associations representing aerospace medical professionals.

SEC. 528. NAVIGATION AIDS STUDY.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the inspector general of the Department of Transportation shall initiate a study examining the effects of reclassifying navigation aids to Design Assurance Level-A from Design Assurance Level-B, including the following navigation aids:

- (1) Distance measuring equipment.
- (2) Very high frequency omni-directional range.
- (3) Tactical air navigation.
- (4) Wide area augmentation system.

(b) **CONTENTS.**—In conducting the study required under subsection (a), the inspector general shall address—

- (1) the cost-benefit analyses associated with the reclassification described in such subsection;
- (2) the findings from the operational safety assessments and preliminary hazard analyses of the navigation aids listed in such subsection;
- (3) the risks of such reclassification on navigation aid equipment currently in use;
- (4) the potential impacts on global interoperability of navigational aids; and
- (5) what additional actions should be taken based on the findings of this subsection.

(c) **REPORT.**—Not later than 24 months after the date of enactment of this Act, the inspector general shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the results of the study conducted under subsection (a).

SEC. 529. REMOTE TOWERS.

(a) **STUDY.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall seek to enter into an agreement with a qualified organization to conduct a study examining the viability and feasibility of remote tower technology available on the

date of enactment of this Act to accommodate existing air traffic activity at non-towered, public-use airports and airports with a visual flight rule air traffic control tower.

(2) CONSIDERATIONS.—In the study conducted under subsection (a), the qualified organization selected under such subsection shall consider and include in such study—

(A) the effectiveness and adequacy of the pilot program established under section 161 of the FAA Reauthorization Act of 2018 (49 U.S.C. 47104 note) in—

(i) assessing the installation, maintenance, and operational costs and benefits of remote tower technology; and

(ii) establishing a clear process for the safety and operational certification of such technology;

(B) a description of actions that the Administration has undertaken to carry out such pilot program;

(C) any barriers related to the safety and operational certification of such technology;

(D) the number and type of non-towered airports in the national airspace system;

(E) the availability and development of remote tower technology;

(F) the potential to use remote tower systems to control air traffic at multiple airports and from a single physical location, similar to a terminal radar approach control facility;

(G) staffing flexibility to support seasonal staffing of remote towers;

(H) safety factors related to the potential need for such remote tower technology;

(I) the potential to use remote tower systems to surveil for unmanned aircraft, in conjunction with unmanned aircraft system traffic management systems, to enhance air traffic management of manned air traffic;

(J) factors related to the demand for remote tower technology;

(K) an examination of remote tower use in other countries;

(L) projected costs associated with installing and maintain remote tower technology at a single airport; and

(M) recommendations regarding the most cost-effective approach to provide air traffic control services at non-towered airports in the national airspace system.

(3) INPUT.—In carrying out the study under subsection (a), the qualified organization selected under such subsection shall—

(A) seek coordination with the Air Traffic Organization and other offices of the Administration; and

(B) seek the participation of representatives of—

(i) the exclusive bargaining representatives of air traffic controllers certified under section 7111 of title 5, United States Code;

(ii) manufacturers of remote towers;

(iii) airport operators; and

(iv) other stakeholders that the Administrator determines appropriate.

(4) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing the results of the study under subsection (a).

(b) CERTIFICATION PROCESS.—

(1) IN GENERAL.—Not later than 1 year after the completion of the study required under subsection (a), the Administrator shall establish a process for the certification of system design and operational approval of remote towers for use at public-use airports.

(2) CONSULTATION.—In carrying out subsection (b), the Administrator shall consult with the following:

(A) The exclusive bargaining representative of the air traffic controllers certified under section 7111 of title 5, United States Code.

(B) Manufacturers of remote towers.

(C) Non-towered airport operators.

(3) REQUIREMENTS.—In developing the certification process required under subsection (b), the Administrator shall—

(A) establish requirements for the system design and operational approval of remote towers, including—

(i) sensor and camera visual requirements;

(ii) datalink latency requirements; and

- (iii) visual presentation design requirements for monitors used to display sensor and camera feeds;
 - (B) establish tower-closure standards for contingency operations and procedures for remote tower failures and malfunctions; and
 - (C) consider the use of—
 - (i) ground- and space-based telecommunications infrastructure; and
 - (ii) any other wireless telecommunications infrastructure that may enable the operation of a remote tower.
- (4) OPERATIONAL APPROVAL ASSESSMENTS.—In developing the operational approval process required under this subsection, the Administrator shall—
 - (A) determine the appropriate number of air traffic controllers necessary to staff a remote tower for safe air traffic control operations at the respective airport based on the existing or projected air traffic activity at the airport;
 - (B) use a safety risk management panel process to address any safety issues with respect to the remote tower;
 - (C) if the remote tower is intended to be installed at a non-towered airport, assess the safety benefits of the remote tower against the lack of an existing tower; and
 - (D) establish, to the satisfaction of the Administrator and using performance-based criteria, to the extent appropriate, published in advance, the level of safety necessary for the operation of the remote tower at the airport.
- (5) AIRPORT OPERATORS.—An airport operator seeking to install or construct a certified remote tower shall submit to the Administrator an application in such form and containing such information as the Administrator may require.
- (6) IMPLEMENTATION.—In carrying out this section, the Administrator shall—
 - (A) identify air traffic control information and data that assists the Administrator in categorically certifying remote towers at different types of airports;
 - (B) implement processes necessary to collect the information and data identified in subparagraph (A); and
 - (C) develop criteria from the information and data identified in subparagraph (A) to assess remote towers for widespread use at categories of public-use airports.
- (7) PRIORITIZATION OF REMOTE TOWER CERTIFICATION APPLICANTS.—With respect to applications submitted as required by paragraph (4), the Administrator shall prioritize—
 - (A) airports that do not have a permanent air traffic control tower at the time of application;
 - (B) airports that would provide small and rural community air service;
 - or
 - (C) airports that have been newly accepted as of the date of enactment of this Act into the Contract Tower Program.
- (8) BRIEFING.—Not later than 180 days after receiving the report required under subsection (a), and annually thereafter through fiscal year 2028, the Administrator shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of the activities required under this section.
- (c) DEFINITIONS.—In this section:
 - (1) AIR TRAFFIC ACTIVITY.—The term “air traffic activity” means the number of takeoffs, landings, and simulated approaches of an airport and the time of which such takeoffs, landings, and simulated approaches occur.
 - (2) CONTRACT TOWER PROGRAM.—The term “Contract Tower Program” has the meaning given such term in section 47124(e) of title 49, United States Code.
 - (3) QUALIFIED ORGANIZATION.—The term “qualified organization” means an independent non-profit organization that recommends solutions to public policy challenges through objective analysis.
 - (4) REMOTE TOWER.—The term “remote tower” has the meaning given such term in section 161(a)(9) of the FAA Reauthorization Act of 2018 (49 U.S.C. 47104 note).

SEC. 530. WEATHER REPORTING SYSTEMS STUDY.

- (a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall initiate a study to examine how to improve the procurement, functionality, and sustainability of weather reporting systems, including—
 - (1) automated weather observing systems;

- (2) automated surface observing systems;
 - (3) visual weather observing systems; and
 - (4) non-Federal weather reporting systems.
- (b) CONTENTS.—In conducting the study required under section (a), the Comptroller General shall address—
- (1) the current state of the supply chain related to weather reporting systems and the components of such systems, including—
 - (A) the adequacy of suppliers of such systems and components;
 - (B) the affordability of such systems and components; and
 - (C) the availability and affordability of replacement parts;
 - (2) the average age of weather reporting systems infrastructure installed in the national airspace system;
 - (3) challenges to maintaining and replacing weather reporting systems, including—
 - (A) root causes of weather reporting system outages, including failures of such systems, and supporting systems such as telecommunications infrastructure; and
 - (B) the degree to which such outages affect weather reporting in the national airspace system;
 - (4) mitigation measures to maintain aviation safety during such an outage; and
 - (5) alternative means of obtaining weather elements at airports, including wind direction, wind speed, barometric pressure setting, and cloud coverage, including visibility.
- (c) CONSULTATION.—In conducting the study required under subsection (a), the Comptroller General shall consult with the appropriate stakeholders and Federal agencies involved in installing, managing, and supporting weather reporting systems in the national airspace system.
- (d) REPORT.—
- (1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the results of the study conducted under subsection (a).
 - (2) RECOMMENDATIONS.—The Comptroller General shall include in the report submitted under paragraph (1) recommendations for—
 - (A) ways to improve the resiliency and redundancy of weather reporting systems;
 - (B) alternative means of compliance for obtaining weather elements at airports; and
 - (C) if necessary, changes to Orders of the Administration, including the following:
 - (i) Surface Weather Observing, Joint Order 7900.5.
 - (ii) Notices to Air Missions, Joint Order 7930.2.

SEC. 531. GAO STUDY ON EXPANSION OF THE FAA WEATHER CAMERA PROGRAM.

- (a) STUDY.—The Comptroller General of the United States shall conduct a study on the feasibility and benefits and costs of expanding the Weather Camera Program of the Federal Aviation Administration to locations in the United States that lack weather camera services.
- (b) CONSIDERATIONS.—In conducting the study required under subsection (a), the Comptroller General shall review—
- (1) the potential effects of the existing Weather Camera Program on weather-related aviation accidents and flight interruptions;
 - (2) the potential benefits and costs associated with expanding the Weather Camera Program;
 - (3) limitations on the real-time access of weather camera information by pilots and aircraft operators;
 - (4) non-safety related regulatory structures or barriers to the allowable use of weather camera information for the purposes of aircraft operations;
 - (5) limitations of existing weather camera systems at the time of the study;
 - (6) alternative sources of viable weather data;
 - (7) funding mechanisms for weather camera installation and operations; and
 - (8) other considerations the Comptroller General determines appropriate.
- (c) REPORT TO CONGRESS.—Not later than 28 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study required under subsection (a).

SEC. 532. STUDY ON AVIATION SAFETY IN ERA OF WIRELESS CONNECTIVITY.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall seek to enter into an agreement with the National Academies to conduct a study on matters related to potential conflicts between uses of radio spectrum by the aviation ecosystem and wireless telecommunication networks.

(b) **CONTENTS.**—The study described in subsection (a) shall address approaches to mitigating potential safety hazards posed by conflicts between uses of spectrum by the aviation ecosystem and wireless telecommunications network, including best practices and policy recommendations for the Federal Aviation Administration to—

(1) improve the process by which proposed spectrum reallocations or auctions are thoroughly reviewed in advance to ensure that any comments, objections, or technical concerns from stakeholders or Federal agencies in any Federal Communication Commission proceeding are definitively assessed and, if necessary, addressed;

(2) assess the effects of proposed spectrum reallocations or auctions on the aviation ecosystem in a timely manner to better meet the needs of the aviation system or to establish realistic timeframes relating to potential aviation equipment modifications or replacements; and

(3) better communicate to relevant Federal partners and agencies when a proposed spectrum reallocation or auctions may pose a potential risk to aviation safety.

(c) **STAKEHOLDER VIEWS.**—In conducting the study under subsection (a), the National Academy shall consult with relevant stakeholders, including—

(1) air carriers operating under part 121 of title 14, Code of Federal Regulations;

(2) operators holding a certificate under part 135, of title 14, Code of Federal Regulations;

(3) general aviation operators;

(4) manufacturers of aircraft and aircraft components;

(5) wireless telecommunication carriers;

(6) labor unions representing pilots;

(7) air traffic system safety specialists;

(8) other representatives of the telecommunications industry;

(9) aviation safety experts;

(10) radio spectrum experts; and

(11) such other stakeholders as the Administrator determines appropriate.

(d) **REPORT TO CONGRESS.**—Not later than 2 years after the date of enactment of this Act, the National Academies shall complete and submit a report on the study described in subsection (a) to—

(1) the Administrator;

(2) the Committee on Transportation and Infrastructure of the House of Representatives; and

(3) the Committee on Commerce, Science, and Technology of the Senate.

SEC. 533. RAMP WORKER SAFETY CALL TO ACTION.

(a) **CALL TO ACTION RAMP WORKER SAFETY REVIEW.**—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a Call to Action safety review of airport ramp worker safety in order to bring stakeholders together to share best practices and implement actions to address airport ramp worker safety.

(b) **CONTENTS.**—The Call to Action safety review required pursuant to subsection (a) shall include—

(1) a review of Administration regulations, guidance, and directives related to airport ramp worker procedures and oversight of such processes;

(2) a review of reportable accidents and incidents involving airport ramp workers, including any identified contributing factors to the reportable accident or incident;

(3) a review of training and related educational materials for airport ramp workers, including supervisory employees;

(4) a review of devices and methods for communication on the ramp;

(5) a review of markings on the ramp that define restriction, staging, safety, or hazard zones;

(6) a review of aircraft jet blast and engine intake safety markings; and

(7) a process for stakeholders, including airlines, aircraft manufacturers, airports, labor, and aviation safety experts, to provide feedback and share best practices.

(c) **REPORT AND ACTIONS.**—Not later than 180 days after the conclusion of the Call to Action safety review pursuant to subsection (a), the Administrator shall—

(1) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review and any recommendations for actions or best practices to improve airport ramp worker safety, including the identification of risks and possible mitigations to be considered in any applicable safety management system of air carriers and airports; and

(2) initiate such actions as are necessary to act upon the findings of the review under subsection (b).

SEC. 534. SAFETY DATA ANALYSIS FOR AIRCRAFT WITHOUT TRANSPONDERS.

(a) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in coordination with the Chairman of the National Transportation Safety Board, shall collect and analyze data relating to accidents and incidents involving covered exempt aircraft that occurred within 30 nautical miles of an airport.

(b) **REQUIREMENTS.**—The analysis required under subsection (a) shall include with respect to covered exempt aircraft a review of—

- (1) incident and accident data since 2006;
- (2) incidents and accidents involving midair events, including collisions;
- (3) incidents and accidents involving ground proximity warning system alerts;
- (4) incidents and accidents involving traffic collision avoidance system alerts;
- (5) incidents and accidents involving a loss of separation or near miss; and
- (6) the causes of the accidents and incidents described in paragraphs (1) through (5).

(c) **REPORT TO CONGRESS.**—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of the analysis required under subsection (a) and, if appropriate, recommendations on how to reduce the number of incidents and accidents associated with such covered exempt aircraft.

(d) **COVERED EXEMPT AIRCRAFT DEFINED.**—In this section, the term “covered exempt aircraft” means aircraft, balloons, and gliders exempt from air traffic control transponder and altitude reporting equipment and use requirements under part 91.215(b)(3) of title 14, Code of Federal Regulations.

SEC. 535. CRASH-RESISTANT FUEL SYSTEMS IN ROTORCRAFT.

(a) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall task the Aviation Rulemaking Advisory Committee to—

(1) review the data analysis conducted and the recommendations developed by the Aviation Rulemaking Advisory Committee Rotorcraft Occupant Protection Working Group of the Administration;

(2) update the 2018 report of such working group on rotorcraft occupant protection by—

(A) reviewing National Transportation Safety Board data from 2016 through 2023 on post-crash fires in helicopter accidents; and

(B) determining whether and to what extent crash-resistant fuel systems could have prevented fatalities; and

(3) develop recommendations for either the Administrator or the helicopter industry to encourage helicopter owners and operators to expedite the installation of crash-resistant fuel systems in the aircraft of such owners and operators regardless of original certification and manufacture date.

(b) **SCHEDULE.**—

(1) **DEADLINE.**—Not later than 18 months after the Administrator tasks the Aviation Rulemaking Advisory Committee under subsection (a), the Committee shall submit the recommendations developed under subsection (a)(2) to the Administrator.

(2) **IMPLEMENTATION.**—If applicable, and not later than 180 days after receiving the recommendations under paragraph (1), the Administrator shall—

(A) begin implementing, as appropriate, any consensus safety recommendations the Administrator receives from the Aviation Rulemaking Advisory Committee, and brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on any recommendations the Administrator does not implement; and

(B) partner with the United States Helicopter Safety Team, as appropriate, to facilitate implementation of any recommendations for the helicopter industry pursuant to subsection (a)(2)

SEC. 536. REDUCING TURBULENCE ON PART 121 AIRCRAFT OPERATIONS.

(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall review and implement, as appropriate, the recommendations made by the Chair of the National Transportation Safety Board to the Administrator contained in the safety research report titled “Preventing Turbulence-Related Injuries in Air Carrier Operations Conducted Under Title 14 Code of Federal Regulations Part 121”, issued on August 10, 2021 (NTSB/SS–21/01).

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 1 year after completing the review under subsection (a), and every 2 years thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the status of the recommendations in the safety research report described in subsection (a) until the earlier of—

(A) the date on which such recommendations have been adopted; or

(B) the date that is 10 years after the date of enactment of this Act.

(2) **CONTENTS.**—If the Administrator decides not to implement a recommendation in the safety research report described in subsection (a), the Administrator shall provide, as a part of the report required under paragraph (1), a description of why the Administrator did not implement such recommendation.

SEC. 537. STUDY ON RADIATION EXPOSURE.

(a) **STUDY.**—Not later than 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine under which the National Research Council of the National Academies shall conduct a study on radiation exposure onboard various aircraft types operated under part 121 of title 14, Code of Federal Regulations.

(b) **SCOPE OF STUDY.**—In conducting the study under subsection (a), the National Research Council shall assess—

(1) radiation concentrations in such aircraft at takeoff, in-flight at high altitudes, and upon landing;

(2) the health risks and impact of radiation exposure to flight attendants and passengers onboard aircraft operating at high altitudes; and

(3) mitigation measures to prevent and reduce the health and safety impacts of radiation exposure to flight attendants and passengers.

(c) **REPORT TO CONGRESS.**—Not later than 16 months after the initiation of the study required under subsection (a), the Secretary shall submit to the appropriate committees of Congress the study conducted by the National Research Council pursuant to this section.

(d) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 538. DETERRING CREWMEMBER INTERFERENCE.

(a) **TASK FORCE.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall convene a task force to develop voluntary standards and best practices relating to suspected violations of sections 46318, 46503, and 46504 of title 49, United States Code, including—

(A) proper and consistent incident documentation and reporting techniques;

(B) best practices for flight crew and cabin crew response, including de-escalation;

(C) improved coordination between stakeholders, including flight crew and cabin crew, airport staff, other Federal agencies as appropriate, and law enforcement; and

(D) appropriate enforcement actions.

(2) **MEMBERSHIP.**—The task force convened under paragraph (1) shall be comprised of representatives of—

(A) air carriers;

(B) airport sponsors and airport law enforcement agencies;

(C) other Federal agencies determined necessary by the Administrator;

and

(D) labor organizations representing air carrier pilots;

(E) labor organizations representing flight attendants; and

(F) labor organizations representing ticketing, check-in, or other customer service representatives employed by air carriers.

(b) ANNOUNCEMENTS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall initiate such actions as may be necessary to include in the briefing of passengers before takeoff required under section 121.571 of title 14, Code of Federal Regulations, a statement informing passengers that it is against Federal law to assault or threaten to assault any individual on an aircraft or interfere with the duties of a crewmember.

(c) DEFINITIONS.—For purposes of this section, the definitions in section 40102(a) of title 49, United States Code, shall apply to terms in this section.

SEC. 539. CABIN TEMPERATURE STANDARDS.

(a) IN GENERAL.—Not later than 24 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall review existing standards produced by recognized industry standards organizations on safe air temperatures and humidity levels in enclosed environments, including onboard aircraft, and determine the validity of such standards, including the American Society of Heating, Refrigerating and Air-Conditioning Engineers (in this section referred to as “ASHRAE”) standards titled “Air Quality within Commercial Aircraft” (ASHRAE Guideline 28–2021) and “Thermal Environmental Conditions for Human Occupancy” (ASHRAE Standard 55–2020).

(b) CONSULTATION.—In conducting the review under subsection (a), the Administrator shall consult with—

- (1) certificate holders under part 121 of title 14, Code of Federal Regulations;
- (2) certified labor representatives of flight attendants, pilots, and other crewmembers;
- (3) relevant Federal agencies; and
- (4) other relevant stakeholders, as appropriate.

(c) ACADEMIC STUDY.—In the event that the Administrator determines, through the review carried out under subsection (a), that there is not an appropriate standard to determine unsafe temperatures onboard aircraft operated under part 121 of title 14, Code of Federal Regulations, the Administrator shall enter into an appropriate agreement with the National Academies to—

- (1) conduct a study of unsafe aircraft cabin temperatures and aircraft conditions that contribute to such temperatures; and
- (2) provide recommendations for air carriers and aircraft manufacturers to improve the management of temperature and related factors onboard aircraft.

(d) REPORTS.—

(1) FAA.—Not later than 3 months after completing the review required under subsection (a), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings and determination of the review.

(2) NATIONAL ACADEMIES.—If a report is produced under subsection (c), not later than 1 month after receiving such report the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate such report.

SEC. 540. CABIN AIR QUALITY.

(a) REPORTING OF SMOKE OR FUME EVENTS ONBOARD COMMERCIAL AIRCRAFT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a standardized system for a flight attendants, pilots, and aircraft maintenance technicians of air carriers to voluntarily report fume events onboard passenger-carrying aircraft operating under part 121 of title 14, Code of Federal Regulations.

(2) INFORMATION SUBMISSION.—The system developed under paragraph (1) shall include a method of submission, which shall request at least the following information:

- (A) Identification of the flight number, type, and registration of the aircraft.
- (B) The date of the reported fume event onboard the aircraft.
- (C) Description of smoke or fume in the aircraft, including the nature, intensity, and visual consistency or smell (if any).
- (D) The location of the smoke or fumes in the aircraft.
- (E) The source (if discernible) of the smoke or fumes in the aircraft.
- (F) The phase of flight during which smoke or fumes first became present.
- (G) The duration of the fume event.

(H) Any required onboard medical attention for passengers or crew members.

(I) Any additional factors as determined appropriate by the Administrator or crew member submitting a report.

(3) GUIDELINES FOR SUBMISSION.—The Administrator shall issue guidelines on how to submit the information described in paragraph (2).

(4) CONFIRMATION OF SUBMISSION.—Upon submitting the information described in paragraph (2), the submitting party shall receive a duplicate record of the submission and confirmation of receipt.

(5) USE OF INFORMATION.—The Administrator—

(A) may not publish any information submitted under this section;

(B) shall maintain a database of such information;

(C) at the request of an air carrier, shall provide to such air carrier any information submitted under this section that is relevant to such air carrier, except any information that may be used to identify the party submitting such information;

(D) may not, without validation, assume that information submitted under this section is accurate for the purposes of initiating rulemaking or taking an enforcement action;

(E) may use information submitted under this section to inform the oversight of the safety management system of an air carrier; and

(F) may use information submitted under this section for the purpose of performing a study or supporting a study sponsored by the Administrator.

(b) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall seek to enter into the appropriate arrangements with the National Academies to conduct a study and issue recommendations to be made publicly available pertaining to cabin air quality and any risk of, and potential for, persistent and accidental fume events onboard a passenger-carrying aircraft operating under part 121 of title 14, Code of Federal Regulations.

(2) SCOPE.—In carrying out a study pursuant to paragraph (1), the National Academies shall examine—

(A) the information collected pursuant to subsection (a);

(B) the report issued pursuant to section 326 of the FAA Reauthorization Act of 2018 (49 U.S.C. 40101 note) and any identified assumptions or gaps described in such report;

(C) any health risks or impacts of fume events on flight crews, including flight attendants and pilots, and passengers onboard aircraft operating under part 121 of title 14, Code of Federal Regulations;

(D) instances of persistent or regularly occurring (as determined by the National Academies) fume events in such aircraft;

(E) instances of accidental, unexpected, or irregularly occurring (as determined by the National Academies) fume events on such aircraft, including whether such accidental events are more frequent during various phases of operations, including ground operations, taxiing, take off, cruise, and landing;

(F) the likely originating material of, and the air contaminants present during, the situations described in subparagraphs (D) and (E);

(G) the frequencies, durations, and likely causes of the situations described in subparagraphs (D) and (E); and

(H) any additional data on fume events as determined appropriate by the National Academies.

(3) RECOMMENDATIONS.—The National Academies shall provide recommendations based on the study conducted under paragraph (1)—

(A) that shall, at minimum, address how to—

(i) improve overall cabin air quality of passenger-carrying aircraft;

(ii) improve the detection, accuracy, and reporting of fume events; and

(iii) reduce the frequency and impact of fume events; and

(B) for any updates to standards, guidelines, or regulations that could help achieve the recommendations described in subparagraph (A).

(4) REPORT TO CONGRESS.—Not later than 1 month after the completion of the study conducted under paragraph (1), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a copy of such study.

(c) FUME EVENT DEFINED.—In this section, the term “fume event” means the presence of fumes in the cabin, including smoke.

SEC. 541. EVACUATION STANDARDS FOR TRANSPORT CATEGORY AIRPLANES.

(a) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall task the Aviation Rulemaking Advisory Committee with reviewing and proposing updates to the evacuation requirements under section 25.803 of title 14, Code of Federal Regulations, and appendix J to part 25 of such title.

(b) **CONSIDERATIONS.**—In tasking the Aviation Rulemaking Advisory Committee under subsection (a), the Administrator shall, at a minimum, task the Committee to—

(1) evaluate whether the representative passenger loads, prescribed in regulation on the date of enactment of this Act, represent a realistic composition of passengers on an aircraft operated under part 121 of title 14, Code of Federal Regulations, including accounting for—

- (A) children, including infants;
- (B) passengers who do not speak English;
- (C) passengers with disabilities; and
- (D) service animals (as such term is defined in section 35.104 and 36.104 of title 28, Code of Federal Regulations, or successor regulations); and

(2) determine if there are technologies or techniques that can be used to more accurately represent categories of passengers who are unable to provide consent during evacuation testing, but should be simulated in such testing;

(3) evaluate whether the requirements prescribed in regulation on the date of enactment of this Act adequately consider the varying sizes, weight, and matter or baggage present in an aircraft cabin; and

(4) determine whether the evacuation testing performed, associated with section 25.803 of title 14, Code of Federal Regulations, considers the seat size, seat pitch, seating layout, aisle width, and aisle layout of the aircraft type being tested.

(c) **CONSULTATION.**—In tasking the Aviation Rulemaking Advisory Committee under subsection (a), the Administrator shall allow such Committee to consult with the National Transportation Safety Board, transport category aircraft manufacturers, air carriers certificated under part 121 of title 14, Code of Federal Regulations, crew members of such air carriers, emergency responders, groups representing passengers and passengers with disabilities, and other relevant experts.

(d) **RULEMAKING.**—Not later than 18 months after receiving such recommendations to update section 25.803 of title 14, Code of Federal Regulations, and appendix J to part 25 of such title, the Administrator shall issue a final rulemaking based on the recommendations provided by the aviation rulemaking advisory committee tasked under this section, as necessary.

(e) **PASSENGER WITH DISABILITIES.**—In this section, the term “passenger with disabilities” means any qualified individual with a disability, as such term is defined in section 382.3 of title 14, Code of Federal Regulations, or successor regulations.

SEC. 542. LITHIUM-ION POWERED WHEELCHAIRS.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall task the Air Carrier Access Act Advisory Committee (in this section referred to as the “Committee”) to conduct a review of regulations regarding lithium-ion battery powered wheelchairs and mobility aids and provide recommendations to the Secretary to ensure safe transport of such wheelchairs and mobility aids in air transportation.

(b) **CONSIDERATIONS.**—In conducting the review required under subsection (a), the Committee shall consider the following:

(1) Any existing or necessary standards for lithium-ion batteries, including casings or other similar components, in such wheelchairs and mobility aids.

(2) The availability of necessary containment or storage devices, including fire containment covers or fire-resistant storage containers, for such wheelchairs and mobility aids.

(3) The policies of each air carrier (as such term is defined in part 121 of title 14, Code of Federal Regulations) pertaining to lithium-ion battery powered wheelchairs and mobility aids (as in effect on the date of enactment of this Act).

(4) Any other considerations the Secretary determines appropriate.

(c) **CONSULTATION REQUIREMENT.**—In conducting the review required under subsection (a), the Committee shall consult with the Administrator of the Pipeline and Hazardous Materials Safety Administration.

(d) **NOTIFICATION.**—

(1) **IN GENERAL.**—Upon completion of the review conducted under subsection (a), the Committee shall notify the Secretary if an air carrier does not have a policy pertaining to lithium-ion battery powered wheelchairs and mobility aids in effect.

(2) NOTIFICATION.—The Secretary shall notify an air carrier described in paragraph (1) of the status of such air carrier.

(e) REPORT TO CONGRESS.—Not later than 90 days after submission of the recommendations to the Secretary, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate any recommendations under subsection (a), in the form of a report.

(f) PUBLICATION.—The Secretary shall publish the report required under subsection (e) on the public website of the Department of Transportation.

SEC. 543. NATIONAL SIMULATOR PROGRAM POLICIES AND GUIDANCE.

(a) REVIEW.—Not later than 2 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall review relevant policies and guidance, including all advisory circulars, information bulletins, and directives, pertaining to part 60 of title 14, Code of Federal Regulations.

(b) UPDATES.—Upon completion of the review required under subsection (a), the Administrator shall, at a minimum, update the following:

- (1) Advisory Circular 120–40B, issued July 29, 1991.
- (2) Advisory Circular 120–45A, issued February 5, 1992.
- (3) Advisory Circular 120–50A, issued February 9, 1996.
- (4) Advisory Circular 120–63, issued October 11, 1994.

(c) CONSULTATION.—In carrying out the review required under subsection (a), the Administrator shall convene and consult with entities required to comply with part 60 of title 14, Code of Federal Regulations, including representatives of—

- (1) air carriers;
- (2) flight schools certificated under part 141 of title 14, Code of Federal Regulations;
- (3) training centers certificated under part 142 of title 14, Code of Federal Regulations; and
- (4) manufacturers and suppliers of flight simulation training devices (as defined in part 1 of title 14, Code of Federal Regulations, and Appendix F to part 60 of such title).

SEC. 544. GAO STUDY ON FAA NATIONAL SIMULATOR PROGRAM.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study into the National Simulator Program of the Federal Aviation Administration that is part of the Air Transportation Division’s Training and Simulation Group.

(b) CONSIDERATIONS.—In conducting the study required under subsection (a), the Comptroller General shall, at a minimum, assesses—

- (1) how the program described under subsection (a), is maintained to reflect and account for advancement in technologies pertaining to flight simulation training devices (as defined in part 1 of title 14, Code of Federal Regulations, and appendix F to part 60 of such title);
- (2) the staffing levels, critical competencies, and skills gaps of Administration personnel responsible for carrying out and supporting the program described in subsection (a); and
- (3) how the program described in subsection (a) engages air carriers and relevant industry stakeholders, including flight schools, to ensure efficient compliance with part 60 of such title.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of the study conducted under subsection (a).

SEC. 545. GAO STUDY ON FAA ALIGNMENT WITH BEST AVAILABLE TECHNOLOGIES AND STANDARDS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the incorporation of best available technologies by the Federal Aviation Administration to increase aviation safety and improve the health and safety of aviation workers.

(b) SCOPE.—In conducting the study under subsection (a), the Comptroller General shall—

- (1) analyze the degree to which the Administrator of the Federal Aviation Administration is enabling the use or adoption of technologies used by other air navigation service providers to meet ICAO standards; and
- (2) identify any barriers to adoption of such technologies.

(c) REPORT.—Not later than 4 years after the date of enactment of this Act, the Comptroller General shall report to the Committee on Transportation and Infra-

structure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the findings of the study.

(d) ICAO DEFINED.—In this section, the term “ICAO” means the International Civil Aviation Organization.

SEC. 546. ADVANCED SIMULATION TRAINING.

(a) IN GENERAL.—Notwithstanding section 61.159(a)(6) of title 14, Code of Federal Regulations (or any successor regulations), a person who is applying for an airline transport certificate with an airplane category and class rating may obtain up to 150 additional hours of the total aeronautical experience requirement in a full flight simulator representing an airplane that provides six-degrees of freedom motion, provided the aeronautical experience—

(1) was accomplished as part of a Federal Aviation Administration approved training course in parts 121, 135, 141, or 142 of such title; and

(2) does not qualify for flight credit hours for an individual applying for an airline transport pilot certificate with restricted privileges under paragraphs (a), (b), (c), and (d) of section 61.160 of such title (or any successor regulation).

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the ability of a person to also obtain 100 hours of aeronautical experience in a flight training device or full flight simulator under section 61.159(a)(6) of title 14, Code of Federal Regulations (or any successor regulations).

(c) RULEMAKING.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a final rule to update part 61 of title 14, Code of Federal Regulations, to reflect changes made by this section.

(2) CONSULTATION.—The Administrator shall consult with the Air Carrier Training Aviation Rulemaking Committee—

(A) in developing the rule under paragraph (1), and

(B) in evaluating, notwithstanding subsection (a), whether the additional 150 hours allowed under subsection (a) may be accrued in a full flight simulator representing an airplane that provides three-degrees of freedom motion.

(3) APPLICABILITY.—Nothing in this subsection, nor any potential failure of the Administrator to issue a final rule under paragraph (1), shall be construed to prohibit the immediate applicability of subsection (a).

(d) DEFINITIONS.—In this section, the terms “flight training device” and “full flight simulator” have the meanings given such terms in section 1.1 of title 14, Code of Federal Regulations.

SEC. 547. INCREMENTAL SAFETY IMPROVEMENT.

Section 44704 of title 49, United States Code, is amended by adding at the end the following:

“(h) INCREMENTAL SAFETY IMPROVEMENT.—

“(1) IN GENERAL.—The Administrator may consider and approve a proposed incremental design change request from a type certificate holder, if such holder is required by the Administrator to make a safety-related design change to bring a product into compliance, even if the proposed incremental design change does not eliminate all noncompliant conditions.

“(2) PROPOSED INCREMENTAL DESIGN CHANGE.—A proposed incremental design change under paragraph (1) shall—

“(A) be related to the required safety-related change described in this subsection; and

“(B) improve safety.

“(3) FULL COMPLIANCE.—An approval issued under this subsection shall not be construed to relieve a type certificate holder from addressing all noncompliant conditions under paragraph (1).”.

Subtitle B—Aviation Cybersecurity

SEC. 571. FINDINGS.

Congress finds the following:

(1) Congress has repeatedly tasked the Federal Aviation Administration with responsibility for securing the national airspace system, including the air traffic control system and other air navigation services, civil aircraft, and aeronautical products and articles through safety regulation and oversight. These mandates have routinely included protecting against associated cyber threats affecting

aviation safety or the Administration's provision of safe, secure, and efficient air navigation services and airspace management.

(2) In 2016, Congress passed the FAA Extension, Safety, and Security Act of 2016, which established requirements for the Federal Aviation Administration to enhance the national airspace system's cybersecurity and included mandates for the Administration to—

- (A) develop a cybersecurity strategic plan;
- (B) coordinate with other Federal agencies to identify cyber vulnerabilities;
- (C) develop a cyber threat model; and
- (D) complete a comprehensive, strategic policy framework to identify and mitigate cybersecurity risks to the air traffic control system.

(3) In 2018, Congress passed the FAA Reauthorization Act of 2018 which—

(A) authorized funding for the construction of Federal Aviation Administration facilities dedicated to improving the cybersecurity of the national airspace system;

(B) required the Federal Aviation Administration to review and update its comprehensive, strategic policy framework for cybersecurity to assess the degree to which the framework identifies and addresses known cybersecurity risks associated with the aviation system, and evaluate existing short- and long-term objectives for addressing cybersecurity risks to the national airspace system;

(C) created a Chief Technology Officer position within the Federal Aviation Administration to be responsible for, among other things, coordinating the implementation, operation, maintenance, and cybersecurity of technology programs relating to the air traffic control system with the aviation industry and other Federal agencies; and

(D) directed the National Academy of Sciences to study the cybersecurity workforce of the Federal Aviation Administration in order to develop recommendations to increase the size, quality, and diversity of such workforce.

(4) Congress has tasked the Federal Aviation Administration with being the primary Federal agency to assess and address the threats posed from cyber incidents relating to Federal Aviation Administration-provided air traffic control and air navigation services and the threats posed from cyber incidents relating to civil aircraft, aeronautical products and articles, aviation networks, aviation systems, services, and operations, and the aerospace industry affecting aviation safety or the provision of safe, secure, and efficient air navigation services and airspace management by the Administration.

(5) Since 2005, the Federal Aviation Administration has been addressing cyber vulnerabilities in civil aircraft and aeronautical products and articles during the safety certification process.

SEC. 572. AEROSPACE PRODUCT SAFETY.

(a) CYBERSECURITY STANDARDS.—Section 44701(a) of title 49, United States Code, is amended—

- (1) in paragraph (1) by inserting “cybersecurity,” after “quality of work,”; and
- (2) in paragraph (5)—

(A) by inserting “cybersecurity and” after “standards for”; and

(B) by striking “procedure” and inserting “procedures”.

(b) EXCLUSIVE RULEMAKING AUTHORITY.—Section 44701 of title 49, United States Code, is amended by adding at the end the following:

“(h) EXCLUSIVE RULEMAKING AUTHORITY.—Notwithstanding any other provision of law and except as provided in section 40132, the Administrator, in consultation with the heads of such other agencies as the Administrator determines necessary, shall have exclusive authority to prescribe regulations for purposes of assuring civil aircraft, including unmanned aircraft systems, aircraft engine, propeller, and appliance cybersecurity.”.

SEC. 573. FEDERAL AVIATION ADMINISTRATION REGULATIONS, POLICY, AND GUIDANCE.

(a) IN GENERAL.—Chapter 401 of title 49, United States Code, is further amended by adding at the end the following:

“§ 40132. National airspace system cyber threat management process

“(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration, in consultation with other agencies as the Administrator determines necessary, shall establish a national airspace system cyber threat management process to protect the national airspace system cyber environment, including the safety, security, and efficiency of the air navigation services provided by the Administration.

“(b) ISSUES TO BE ADDRESSED.—In establishing the national airspace system cyber threat management process under subsection (a), the Administrator shall, at a minimum—

- “(1) monitor the national airspace system for cybersecurity incidents;
- “(2) in consultation with appropriate Federal agencies, evaluate the cyber threat landscape for the national airspace system, including updating such evaluation on both annual and threat-based timelines;
- “(3) conduct national airspace system cyber incident analyses;
- “(4) create a cyber common operating picture for the national airspace system cyber environment;
- “(5) coordinate national airspace system cyber incident responses with other appropriate Federal agencies;
- “(6) track cyber incident detection, response, mitigation implementation, recovery, and closure;
- “(7) establish a process, or utilize existing processes, to collect relevant inter-agency and stakeholder national airspace system cyber incident data, including data from other Federal agencies and private persons; and
- “(8) consider any other matter the Administrator determines appropriate.

“(c) DEFINITIONS.—In this section:

“(1) CYBER COMMON OPERATING PICTURE.—The term ‘cyber common operating picture’ means the correlation of a detected cyber incident or cyber threat in the national airspace system and other operational anomalies to provide a holistic view of potential cause and impact.

“(2) CYBER ENVIRONMENT.—The term ‘cyber environment’ means the information environment consisting of the interdependent networks of information technology infrastructures and resident data, including the internet, telecommunications networks, computer systems, and embedded processors and controllers.

“(3) CYBER INCIDENT.—The term ‘cyber incident’ means an action that creates noticeable degradation, disruption, or destruction to the cyber environment and causes a safety or other negative impact on operations of—

- “(A) the national airspace system;
- “(B) civil aircraft; or
- “(C) aeronautical products and articles.

“(4) CYBER THREAT.—The term ‘cyber threat’ means the threat of an action that, if carried out, would constitute a cyber incident or an electronic attack.

“(5) ELECTRONIC ATTACK.—The term ‘electronic attack’ means the use of electromagnetic spectrum energy to impede operations in the cyber environment, including through techniques such as jamming or spoofing.”

(b) CLERICAL AMENDMENT.—The analysis for chapter 401 of title 49, United States Code, is further amended by adding at the end the following:

“40132. National airspace system cyber threat management process.”

SEC. 574. CIVIL AVIATION CYBERSECURITY RULEMAKING COMMITTEE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall convene an aviation rulemaking committee on civil aircraft cybersecurity to conduct a review and develop findings and recommendations on cybersecurity standards for civil aircraft, aircraft ground support information systems, airports, air traffic control mission systems, and aeronautical products and articles.

(b) DUTIES.—The Administrator shall—

(1) not later than 2 years after the date of enactment of this Act, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report based on the findings of the aviation rulemaking committee convened under subsection (a); and

(2) not later than 180 days after the date of submission of the report under paragraph (1) and, in consultation with other agencies as the Administrator determines necessary, for consensus recommendations reached by such aviation rulemaking committee—

(A) undertake a rulemaking, if appropriate, based on such recommendations; and

(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a supplemental report with explanations for each consensus recommendation not addressed, if applicable, by a rulemaking under subparagraph (A).

(c) COMPOSITION.—The aviation rulemaking committee convened under subsection (a) shall consist of members appointed by the Administrator, including representatives of—

- (1) aircraft manufacturers, to include at least 1 manufacturer of transport category aircraft;
- (2) air carriers;
- (3) unmanned aircraft system stakeholders, including operators, service suppliers, and manufacturers of hardware components and software applications;
- (4) manufacturers of powered-lift aircraft;
- (5) airports;
- (6) original equipment manufacturers of ground and space based aviation infrastructure;
- (7) aviation safety experts with specific knowledge of aircraft cybersecurity; and
- (8) a non-profit which operates 1 or more federally funded research and development centers with specific knowledge of aviation and cybersecurity.

(d) MEMBER ELIGIBILITY.—Prior to a member's appointment under subsection (c), the Administrator shall determine if there is cause for such member to be restricted from possessing sensitive security information. Upon a determination of no cause being found regarding the member, and upon the member voluntarily signing a non-disclosure agreement, the member may be granted access to sensitive security information that is relevant to the member's duties on the aviation rulemaking committee. The member shall protect the sensitive security information in accordance with part 1520 of title 49, Code of Federal Regulations.

(e) PROHIBITION ON COMPENSATION.—The members of the aviation rulemaking committee convened under subsection (a) shall not receive pay, allowances, or benefits from the Government by reason of their service on such committee.

(f) CONSIDERATIONS.—The Administrator shall direct such committee to consider—

- (1) existing cybersecurity standards, regulations, policies, and guidance, including those from other Federal agencies;
- (2) threat- and risk-based security approaches used by the aviation industry, including the assessment of the potential costs and benefits of cybersecurity actions;
- (3) data gathered from cybersecurity reporting;
- (4) data gathered from safety reporting;
- (5) the diversity of operations and systems on aircraft and amongst air carriers;
- (6) security of design data;
- (7) the need to harmonize or deconflict proposed and existing standards, regulations, policies, and guidance with other Federal standards, regulations, policies, and guidance;
- (8) design approval holder aircraft network security guidance for operators;
- (9) the need for such standards, regulations, policies, and guidance as applied to civil aircraft information, data, networks, systems, services, operations, and technology;
- (10) Federal Aviation Administration services, aviation industry services, and aircraft use of positioning, navigation, and timing data in the context of Executive Order 13905, as in effect on the date of enactment of this Act;
- (11) updates needed to airworthiness regulations and systems safety assessment methods used to show compliance with airworthiness requirements for design, function, installation, and certification of civil aircraft, aeronautical products and articles, and aircraft networks;
- (12) updates needed to air carrier operating and maintenance regulations to ensure continued adherence with processes and procedures established in airworthiness regulations to provide cybersecurity protections for aircraft systems, including for continued airworthiness;
- (13) policies and procedures to coordinate with other Federal agencies, including intelligence agencies, and the aviation industry in sharing information and analyses related to cyber threats to civil aircraft information, data, networks, systems, services, operations, and technology and aeronautical products and articles;
- (14) the response of the Administrator and aviation industry to, and recovery from, cyber incidents, including by coordinating with other Federal agencies, including intelligence agencies;
- (15) processes for members of the aviation industry to voluntarily report to the Federal Aviation Administration cyber incidents that may affect aviation safety in a manner that protects trade secrets and confidential business information;
- (16) the unique nature of the aviation industry, including aircraft networks, aircraft systems, and aeronautical products, and the interconnectedness of cybersecurity and aviation safety;

(17) appropriate cybersecurity controls for aircraft networks, aircraft systems, and aeronautical products and articles to protect aviation safety, including airworthiness;

(18) appropriate cybersecurity controls for airports relative to the size and nature of airside operations of such airports to ensure aviation safety;

(19) minimum standards for protecting civil aircraft, aeronautical products and articles, aviation networks, aviation systems, services, and operations from cyber threats and cyber incidents;

(20) international collaboration, where appropriate and consistent with the interests of aviation safety in air commerce and national security, with other civil aviation authorities, international aviation and standards organizations, and any other appropriate entities to protect civil aviation from cyber incidents and cyber threats;

(21) the recommendations and implementation of the Aircraft System Information Security/Protection report of the aviation rulemaking advisory committee submitted on August 22, 2016; and

(22) any other matter the Administrator determines appropriate.

(g) DEFINITIONS.—The definitions set forth in section 40132 of title 49, United States Code (as added by this subtitle), shall apply to this section.

TITLE VI—AEROSPACE INNOVATION

Subtitle A—Unmanned Aircraft Systems

SEC. 601. DEFINITIONS.

(a) DEFINITION.—Section 44801(1) of title 49, United States Code, is amended—

(1) in subparagraph (B) by striking “and” at the end;

(2) in subparagraph (C) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(D) is able to maintain safe flight control in the event of a power or flight control failure during flight; and

“(E) is programmed to initiate a controlled landing in the event of a tether separation.”.

SEC. 602. UNMANNED AIRCRAFT SYSTEM TEST RANGES.

(a) IN GENERAL.—Section 44803 of title 49, United States Code, is amended to read as follows:

“§ 44803. Unmanned aircraft system test ranges

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall carry out and update, as appropriate, a program to enable a broad variety of testing and evaluation activities at unmanned aircraft system test ranges, as in effect on the day before the date of enactment of the Securing Growth and Robust Leadership in American Aviation Act, to the extent consistent with aviation safety and efficiency, and for purposes of the safe integration of unmanned aircraft systems into the national airspace system.

“(b) AIRSPACE REQUIREMENTS.—In carrying out the program under subsection

(a)—

“(1) the Administrator may establish nonregulatory special use airspace areas upon the request of a test range sponsor selected by the Administrator under subsection (a), for purposes of accommodating hazardous testing and evaluation activities to inform the safe integration of unmanned aircraft systems into the national airspace system, or for purposes of other activities authorized by the Administrator under subsection (g);

“(2) each selected test range sponsor for a designated test range shall be considered the using agency for purposes of the respective nonregulatory special use airspace areas established by the Administrator under this section; and

“(3) the Administrator may require that each selected test range sponsor for a designated test range provide a draft environmental review consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), subject to the supervision and adoption of the Administrator, with respect to any request for the establishment of a nonregulatory special use airspace area under this section.

“(c) PROGRAM REQUIREMENT.—In carrying out the program under subsection (a), the Administrator—

“(1) may develop operational standards and air traffic requirements for flight operations at test ranges;

“(2) shall coordinate with, and leverage the resources of, other Federal agencies, as the Administrator considers appropriate;

“(3) shall address both civil and public aircraft operations;

“(4) shall provide for verification of the safety of flight systems and related navigation procedures as it relates to continued development of standards for integration into the national airspace system;

“(5) shall engage test range sponsors, as necessary and within available resources, in projects for testing and evaluation of flight systems to facilitate the validation of standards by the Administration for the safe integration of unmanned aircraft systems into the national airspace system, which may include solutions for—

“(A) developing and enforcing geographic and altitude limitations;

“(B) providing for alerts regarding any hazards or limitations on flight, including prohibitions on flight;

“(C) sense and avoid capabilities;

“(D) technology to support communications, navigation, and surveillance;

“(E) unmanned aircraft system operations beyond visual line of sight, at nighttime, or over people;

“(F) operation of multiple unmanned aircraft systems by a single remote pilot;

“(G) unmanned aircraft systems traffic management capabilities or services;

“(H) counter unmanned aircraft system capabilities;

“(I) improving privacy protections through the use of advances in unmanned aircraft systems; and

“(J) other critical priority areas for which testing and evaluation is needed.

“(6) shall coordinate periodically with all test range sponsors to ensure test range sponsors know which data should be collected, how data can be de-identified to flow more readily to the Administration, what procedures should be followed, and what testing and evaluations would advance efforts to safely integrate unmanned aircraft systems into the national airspace system; and

“(7) shall allow test range sponsors to receive Federal funding, other than from the Federal Aviation Administration, including in-kind contributions, from test range participants in the furtherance of testing and evaluation objectives.

“(d) EXEMPTION.—Except as provided in subsection (g), the requirements of section 44711, including related implementing regulations, shall not apply to persons approved by the test range sponsor for operation at a designated test range under this section.

“(e) RESPONSIBILITIES OF TEST RANGE SPONSOR.—The sponsor of each test range under subsection (a) shall—

“(1) provide access to all interested private and public entities seeking to carry out testing and evaluation activities at the test range designated pursuant to this section, to the greatest extent practicable, consistent with safety and any operating procedures established by the test range sponsor, including access by small business concerns (as that term is described in section 3(a) of the Small Business Act (15 U.S.C. 632(a)));

“(2) ensure all activities remain within the geographical boundaries and altitude limitations established for the nonregulatory special use airspace area covering the test range;

“(3) ensure no activity is conducted at the designated test range in a careless or reckless manner;

“(4) establish safe operating procedures for all operators approved for activities at the test range, including provisions for maintaining operational control and ensuring protection of persons and property on the ground, subject to approval by the Administrator;

“(5) exercise direct oversight of all operations conducted at the test range;

“(6) consult with the Administrator on the nature of planned activities at the test range and whether temporary segregation through the use of a nonregulatory special use airspace area is required to contain such activities is consistent with aviation safety;

“(7) protect proprietary technology, sensitive data, or sensitive research of any civil or private entity when using the test range;

“(8) maintain detailed records of all ongoing and completed testing and evaluation activities conducted at the test range and all operators conducting such activities, for inspection by, and reporting to, the Administrator, as required by agreement between the Administrator and the test range sponsor;

“(9) make all original records available for inspection upon request by the Administrator; and

“(10) provide recommendations to the Administrator to further enable public and private testing and evaluation activities at the test ranges that contribute to the safe integration of unmanned aircraft systems by the Administration into the national airspace system, on a quarterly basis until the program terminates.

“(f) TESTING.—

“(1) IN GENERAL.—The Administrator may authorize a sponsor of a test range designated under subsection (a) to host testing and evaluation activities other than those directly related to the integration of unmanned aircraft systems into the national airspace system, provided that the activity is necessary to inform the development of standards or policy for integrating new types of flight systems into the national airspace system.

“(2) WAIVER.—In carrying out this subsection, the Administrator may waive the requirements of section 44711, including related regulations, to the extent consistent with aviation safety.

“(g) AGREEMENTS.—The Administrator may use the transaction authority under section 106(l)(6) to enter into appropriate agreements to direct testing and evaluation activities related to unmanned aircraft systems at any test range designated under subsection (a).

“(h) TERMINATION.—The program under this section shall terminate on September 30, 2028.”

(b) CONFORMING AMENDMENT.—Section 44801(10) of title 49, United States Code, is amended by striking “any of the 6 test ranges” and all that follows through “January 1, 2009” and inserting “the test ranges established by the Administrator under section 44803”.

SEC. 603. UNMANNED AIRCRAFT IN THE ARCTIC.

(a) IN GENERAL.—Section 44804 of title 49, United States Code, is amended—

(1) in section heading by striking “**Small unmanned**” and inserting “**Unmanned**”; and

(2) by striking “small” each place it appears.

(b) CLERICAL AMENDMENT.—The analysis for chapter 448 of title 49, United States Code, is amended by striking the item relating to section 44804 and insert the following:

“44804. Unmanned aircraft in the Arctic.”

SEC. 604. PUBLIC SAFETY USE OF TETHERED UAS.

(a) IN GENERAL.—Section 44806 of title 49, United States Code, is amended—

(1) in the section heading by inserting “**and public safety use of unmanned aircraft systems**” after “**systems**”;

(2) in subsection (c)—

(A) in the subsection heading by inserting “SAFETY USE OF” after “PUBLIC”; and

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking “Not later than 180 days after the date of enactment of this Act, the” and inserting “The”;

(II) by striking “permit the use of” and inserting “permit”;

(III) by striking “public”; and

(IV) by inserting “by a public safety organization for such systems” after “systems”;

(ii) by striking subparagraph (A) and inserting the following:

“(A) operated—

“(i) at or below an altitude of 150 feet above ground level within class B, C, D, E, or G airspace, but not at a greater altitude than the ceiling depicted on the UAS facility maps published by the Federal Aviation Administration, where applicable;

“(ii) within zero-grid airspaces as depicted on such UAS facility maps, only if operated in life-saving or emergency situations and with prior notification to the Administration in a manner determined by the Administrator; or

“(iii) above 150 feet above ground level within class B, C, D, E, or G airspace only with prior authorization from the Administrator;”;

(iii) by striking subparagraph (B); and

(iv) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively; and

(C) in paragraph (3) by striking “Public actively” and inserting “Actively”;

and

(3) by adding at the end, the following:

“(e) DEFINITION.—In this section, the term ‘public safety organization’ means an entity that primarily engages in activities related to the safety and well-being of the general public, including law enforcement, fire departments, emergency medical services, and other organizations that protect and serve the public in matters of safety and security.”

(b) CLERICAL AMENDMENT.—The analysis for chapter 448 of title 49, United States Code, is amended by striking the item relating to section 44806 and inserting the following:

“44806. Public unmanned aircraft systems and public safety use of unmanned aircraft systems.”.

SEC. 605. SPECIAL AUTHORITY FOR UNMANNED AIRCRAFT SYSTEMS.

Section 44807 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “or chapter 447” after “this chapter”;

(B) by striking “the Secretary of Transportation” and inserting “the Administrator of the Federal Aviation Administration”; and

(C) by striking “if certain” and inserting “how”;

(2) in subsection (b)—

(A) by striking “the Secretary” and inserting “the Administrator”; and

(B) in paragraph (1)—

(i) by striking “which types of unmanned aircraft systems, if any, as a result of their size” and inserting “how the unmanned aircraft, as a result of such aircraft’s size”; and

(ii) by striking “do not create” and inserting “does not create”;

(3) in subsection (c) to read as follows:

“(c) REQUIREMENTS FOR SAFE OPERATION.—

“(1) IN GENERAL.—For unmanned aircraft systems that the Administrator determines under this section may operate safely in the national airspace system, the Administrator shall establish risk-based requirements, or a process to accept risk-based proposed requirements, for the safe operation of such aircraft systems in the national airspace system, including operation related to testing and evaluation of proprietary systems.

“(2) TREATMENT OF MITIGATION MEASURES.—To the extent that a proposed operation will be conducted exclusively within the airspace of a Mode C Veil during the entirety of the operation, such operation shall be treated as satisfying the requirements of section 91.113(b) of title 14, Code of Federal Regulations, so long as the operation employs—

“(A) ADS-B In-based detect and avoid capabilities;

“(B) air traffic control communication and coordination; and

“(C) aeronautical information management systems to notify other aircraft operators of such operations.

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to give an unmanned aircraft operating pursuant to this section the right of way over a manned aircraft.”;

(4) in subsection (d) by striking “2023” and inserting “2033”; and

(5) by adding at the end the following:

“(e) LIMITATION.—In making determinations under this section, the Administrator may not consider unmanned aircraft systems to the extent that such systems may meet the requirements of established regulations applicable to the proposed operation of a system.

“(f) EXEMPTION.—The Administrator may exercise the authorities described in this section without requiring a rulemaking or imposing the requirements of part 11 of title 14, Code of Federal Regulations, to the extent consistent with aviation safety.”.

SEC. 606. RECREATIONAL OPERATIONS OF DRONE SYSTEMS.

(a) SPECIFIED EXCEPTION FOR LIMITED RECREATIONAL OPERATIONS OF UNMANNED AIRCRAFT.—Section 44809 of title 49, United States Code, is amended—

(1) in subsection (a) by striking paragraph (6) and inserting the following:

“(6) Except for circumstances when the Administrator establishes alternative altitude ceilings or as otherwise authorized in section (c), in Class G airspace, the aircraft is flown from the surface to not more than 400 feet above ground level and complies with all airspace and flight restrictions and prohibitions established under this subtitle, such as special use airspace designations and temporary flight restrictions.”;

(2) by striking subsection (c) and inserting the following:

“(c) OPERATIONS AT FIXED SITES.—

“(1) IN GENERAL.—The Administrator shall establish a process to approve, and publicly disseminate the location of, fixed sites at which a person may carry out recreational unmanned aircraft system operations.

“(2) OPERATING PROCEDURES.—

“(A) CONTROLLED AIRSPACE.—Persons operating unmanned aircraft under paragraph (1) from a fixed site within Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport, or a community-based organization sponsoring operations within such airspace, shall make the location of the fixed site known to the Administrator and shall establish a mutually agreed upon operating procedure with the air traffic control facility.

“(B) ALTITUDE.—The Administrator, in coordination with community-based organizations sponsoring operations at fixed sites, shall develop a process to approve requests for recreational unmanned aircraft systems operations at fixed sites that exceed the maximum altitude contained in a UAS Facility Map.

“(C) CLASS G AIRSPACE.—Subject to compliance with all airspace and flight restrictions and prohibitions established under this subtitle, such as special use airspace designations and temporary flight restrictions, persons operating drones under paragraph (1) from a fixed site at which the operations are sponsored by a community-based organization may operate within Class G airspace—

“(i) up to 400 feet above ground level, without prior authorization from the Administrator; and

“(ii) above 400 feet above ground level, with prior authorization from the Administrator.

“(3) UNMANNED AIRCRAFT WEIGHING 55 POUNDS OR GREATER.—A person may operate an unmanned aircraft weighing 55 pounds or greater, including the weight of anything attached to or carried by the aircraft, under paragraph (1) if—

“(A) the unmanned aircraft complies with standards and limitations developed by a community-based organization and approved by the Administrator; and

“(B) the aircraft is operated from a fixed site as described in paragraph (1).

“(4) FAA-RECOGNIZED IDENTIFICATION AREAS.—In implementing subpart C of part 89 of title 14, Code of Federal Regulations, the Administrator shall prioritize the review and adjudication of requests to establish FAA Recognized Identification Areas at fixed sites established under this section.”;

(3) in subsection (d) by striking the subsection heading and all that follows through “(3) SAVINGS CLAUSE.—” and inserting “(d) SAVINGS CLAUSE.—”;

(4) in subsection (d) by striking “subsection (a) of”;

(5) in subsection (f)(1) by striking “updates to”;

(6) by striking subsection (g)(1) and inserting the following:

“(1) IN GENERAL.—The Administrator, in consultation with manufacturers of unmanned aircraft systems, community-based organizations, and other industry stakeholders, shall develop, maintain, and update, as necessary, an aeronautical knowledge and safety test. Such test shall be administered electronically by the Administrator or a person designated by the Administrator.”; and

(7) in subsection (h)—

(A) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively; and

(B) by inserting before paragraph (2) (as so redesignated) the following:

“(1) is recognized by the Administrator of the Federal Aviation Administration.”;

(b) USE OF UNMANNED AIRCRAFT SYSTEMS FOR EDUCATIONAL PURPOSES.—Section 350 of the FAA Reauthorization Act of 2018 (49 U.S.C. 44809 note) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting before paragraph (3) (as so redesignated) the following:

“(2) operated by an elementary school or secondary school for educational or research purposes;”;

(2) in subsection (d)—

(A) in paragraph (2) by inserting “an elementary school, or a secondary school,” after “with respect to the operation of an unmanned aircraft system by an institution of higher education,”; and

(B) by inserting after paragraph (2) the following:

“(3) ELEMENTARY SCHOOL.—The term ‘elementary school’ has the meaning given to that term by section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(19)).

“(4) SECONDARY SCHOOL.—The term ‘secondary school’ has the meaning given to that term by section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(45)).”.

SEC. 607. AIRPORT SAFETY AND AIRSPACE HAZARD MITIGATION AND ENFORCEMENT.

Section 44810(h) of title 49, United States Code, is amended by striking “2023” and inserting “2028”.

SEC. 608. APPLICATIONS FOR DESIGNATION.

Section 2209 of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190) is further amended—

- (1) in subsection (a)—
 - (A) by inserting “, including temporarily,” after “restrict”; and
 - (B) by inserting “or eligible outdoor gathering” after “fixed site facility”;
- (2) in subsection (b)(1)(C)—
 - (A) in clause (iv), by striking “Other locations that warrant such restrictions” and inserting “State correctional facilities”; and
 - (B) by adding at the end the following:
 - “(v) Eligible outdoor gatherings.”; and
- (3) by adding at the end the following:

“(f) ELIGIBLE OUTDOOR GATHERING DEFINED.—In this section, the term ‘eligible outdoor gathering’ means an event that—

- “(1) is primarily outdoors;
- “(2) has an estimated daily attendance of 20,000 or greater in at least 1 of the preceding 3 years;
- “(3) has defined and static geographical boundaries; and
- “(4) is advertised in the public domain.

“(f) DEADLINES.—

“(1) Not later than March 1, 2024, the Administrator shall publish a notice of proposed rulemaking to carry out the requirements of this section.

“(2) Not later than 16 months after publishing the notice of proposed rulemaking under paragraph (1), the Administrator shall issue a final rule.”.

SEC. 609. BEYOND VISUAL LINE OF SIGHT RULEMAKING.

(a) IN GENERAL.—Not later than 4 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a notice of proposed rulemaking establishing performance-based airworthiness criteria and risk-based operational regulations for unmanned aircraft systems operated beyond visual line of sight that are intended to operate primarily at or below 400 feet above ground level.

(b) CONTENTS.—In carrying out subsection (a), the Administrator shall—

- (1) establish a means to accept proposed—
 - (A) airworthiness standards for unmanned aircraft;
 - (B) standards for associated elements of unmanned aircraft; and
 - (C) qualification standards for remote pilots operating unmanned aircraft beyond visual line of sight;
- (2) enable the ability for unmanned aircraft to be operated for agricultural purposes;
- (3) establish a process by which the Administrator may approve or accept third party compliance services in support of the safe integration of unmanned aircraft systems into the national airspace system; and
- (4) establish protocols, as appropriate, for networked information exchange, including network-based remote identification in support of beyond visual line of sight operations.

(c) CONSIDERATIONS.—In carrying out subsection (a), the Administrator may leverage previously gathered data, information, and efforts of the Administration to finalize rulemaking as required under this section.

(d) UNMANNED AIRCRAFT AIRWORTHINESS STANDARDS.—In carrying out subsection (b)(1)(A), the Administrator shall—

- (1) define the operational environments for which airworthiness is needed to ensure aviation safety;
- (2) establish an airworthiness category or categories for unmanned aircraft to be eligible for a special airworthiness certificate; and
- (3) establish a process to approve standards, means of compliance, and declarations of compliance.

(e) UNMANNED AIRCRAFT ASSOCIATED ELEMENTS STANDARDS.—

(1) IN GENERAL.—In carrying out subsection (b)(1)(B), the Administrator shall establish a process to accept or approve the associated elements of an unmanned aircraft that, when considered collectively with other associated ele-

ments and an unmanned aircraft, meet an acceptable performance-based safety standard.

(2) CONSIDERATIONS.—In establishing the process under paragraph (1), the Administrator shall consider the ways associated elements of an unmanned aircraft system interact with other associated elements and unmanned aircraft.

(f) REMOTE PILOT QUALIFICATIONS.—

(1) IN GENERAL.—In carrying out subsection (b)(1)(C), the Administrator shall establish qualifications and standards, or a means to accept proposed qualifications and standards, for remote pilots operating unmanned aircraft systems.

(2) CONSIDERATIONS.—In carrying out paragraph (1), the Administrator shall account for the varying levels of automation of unmanned aircraft systems.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to allow for the establishment of type-ratings that apply specifically and exclusively to an aircraft manufactured by 1 manufacturer.

(g) INTERIM APPROVALS.—Before the date on which the Administrator issues a final rule under this section, the Administrator shall use the process described in section 44807 of title 49, United States Code, to authorize unmanned aircraft system operations conducted beyond visual line of sight.

(h) FINAL RULE.—Not later than 16 months after the date of enactment of this Act, the Administrator shall issue a final rule establishing the regulations required under this section.

(i) DEFINITIONS.—In this section:

(1) ASSOCIATED ELEMENTS.—The term “associated elements” means any component of an unmanned aircraft system, not permanently affixed to the unmanned aircraft, required for the remote pilot to operate such aircraft safely and efficiently in the national airspace system.

(2) BEYOND VISUAL LINE OF SIGHT.—The term “beyond visual line of sight” means a distance at which the remote pilot in command of an unmanned aircraft system cannot see the unmanned aircraft with vision unaided by any device other than corrective lenses.

(3) UNMANNED AIRCRAFT; UNMANNED AIRCRAFT SYSTEM.—The terms “unmanned aircraft” and “unmanned aircraft system” have the meaning given such terms in section 44801 of title 49, United States Code.

SEC. 610. UAS TRAFFIC MANAGEMENT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration may enter into agreements for purposes of—

(1) testing and refining UTM capabilities and services to inform the development of UTM standards in subsection (b);

(2) authorizing UTM service providers that meet the requirements described in subsection (b) to provide UTM services to better enable advanced unmanned aircraft systems operations, including—

(A) beyond visual line of sight operations;

(B) aircraft-to-aircraft communications; and

(C) operations in which an individual acts as remote pilot in command of more than 1 unmanned aircraft at the same time; and

(3) fostering the safe integration of unmanned aircraft systems using UTM capabilities and services within the national airspace system.

(b) STANDARDIZATION.—

(1) IN GENERAL.—In carrying out subsection (a), the Administrator shall publish requirements or guidance associated with UTM, including—

(A) the types of operations requiring, or benefiting from, the use of UTM capabilities and services described in subsection (a), including beyond visual line of sight operations;

(B) areas of operation or categories of airspace requiring, or benefiting from, the use of UTM capabilities and services;

(C) performance-based technical standards for UAS operations using UTM capabilities and services; and

(D) application program interfaces that enable UTM service suppliers to integrate UTM capabilities and services into other systems for use by users of the national airspace system, including unmanned aircraft system operators.

(2) INTERNATIONAL HARMONIZATION.—In carrying out paragraph (1), the Administrator shall seek to harmonize, to the extent practicable and advisable, UTM standards with standards produced by recognized industry standards organizations or other peer civil aviation authorities.

(3) FEEDBACK OF CONCEPT OF OPERATIONS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall solicit feedback from

stakeholders on the most recently published UTM concept of operations of the Administration.

(4) FINALIZATION OF CONCEPT OF OPERATIONS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall publish a final version of the UTM concept of operations of the Administration.

(c) STAKEHOLDER PARTNERSHIPS.—In carrying out subsection (a), the Administrator shall establish a means by which the Administrator can enter into cooperative agreements, contracts, other transaction agreements, and other appropriate mechanisms with appropriate persons, partnerships, and consortia to enable qualified third-parties to design, build, develop, fund, and manage UTM.

(d) RULES OF CONSTRUCTION.—

(1) BEYOND VISUAL LINE OF SIGHT OPERATIONS.—Nothing in this section shall be construed to prevent or prohibit beyond visual line of sight operations through the use of technologies other than UTM capabilities and services.

(2) AIRSPACE.—Nothing in this section shall be construed to alter the authority under section 40103 of title 49, United States Code.

(e) BRIEFING.—Not later than 90 days after the date of enactment of this Act, and annually thereafter, the Administrator shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on progress made by the Administration detailing the implementation and requirements of this section and any applicable timelines to completion.

(f) DEFINITIONS.—In this section:

(1) APPROPRIATE PERSONS.—The term “appropriate persons” means a Federal, State, local, Tribal, or territorial governmental entity, or a person.

(2) UTM.—The term “UTM” means the manner in which the Administration will support operations for unmanned aircraft systems operating in low-altitude airspace.

SEC. 611. RADAR DATA PILOT PROGRAM.

(a) SENSITIVE RADAR DATA FEED PILOT PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in coordination with the Secretary of Defense, and other heads of relevant Federal agencies, shall establish a pilot program to make airspace data feeds containing classified or controlled unclassified information available to qualified users, in conjunction with subsection (b).

(b) AUTHORIZATION.—In carrying out subsection (a), the Administrator and the heads of other relevant Federal agencies and in coordination with the Secretary of Defense, shall establish a process to authorize qualified entities to receive airspace data feeds containing classified information related to air traffic within the national airspace system and use such information in an agreed upon manner to—

(1) provide—

(A) air traffic management services; and

(B) unmanned aircraft system traffic management services; or

(2) to test technologies that may enable or enhance the provision of the services described in paragraph (1).

(c) BRIEFING.—Not later than 90 days after establishing the pilot program under subsection (a), and annually thereafter, the Administrator shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the findings of the Administrator related to the pilot program established under this section.

(d) SUNSET.—This section shall cease to be effective on October 1, 2028.

(e) DEFINITION OF QUALIFIED USER.—In this section, the term “qualified user” means an entity authorized to receive airspace data feeds containing classified or controlled unclassified information pursuant to subsection (b).

SEC. 612. ELECTRONIC CONSPICUITY STUDY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of technologies and methods that may be used by operators of unmanned aircraft systems to detect and avoid manned aircraft that may lawfully operate below 500 feet above ground level and that are—

(1) not equipped with a transponder or automatic dependent surveillance-broadcast out equipment; or

(2) otherwise not electronically conspicuous.

(b) CONSULTATION.—In conducting the study required under subsection (a), the Comptroller General shall consult with—

(1) representatives from—

(A) unmanned aircraft systems manufacturers and operators;

(B) general aviation operators;

(C) aerial applicators; and

- (D) helicopter operators, including State and local governments; and
- (2) any other person the Comptroller General determines appropriate.
- (c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the results of such study.

SEC. 613. REMOTE IDENTIFICATION ALTERNATIVE MEANS OF COMPLIANCE.

- (a) STUDY.—The Administrator of the Federal Aviation Administration shall review and evaluate the final rule titled “Remote Identification of Unmanned Aircraft”, issued on January 15, 2021, to determine the feasibility and advisability of whether unmanned aircraft manufacturers and operators can meet the intent of such final rule through alternative means of compliance, including through network-based remote identification.
- (b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study under subsection (a).

SEC. 614. PART 107 WAIVER IMPROVEMENTS.

- (a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall adopt a performance- and risk-based approach in reviewing requests for certificates of waiver under section 107.200 of title 14, Code of Federal Regulations.
- (b) STANDARDIZATION OF WAIVER APPLICATION.—
 - (1) IN GENERAL.—In carrying out subsection (a), the Administrator shall improve the process established to submit requests for certificates of waiver described in subsection (a).
 - (2) FORMAT.—In carrying out paragraph (1), the Administrator may not require the use of open-ended descriptive prompts that are required to be filled out by an applicant, except to provide applicants the ability to provide the Administration with information for an unusual or irregular operation.
 - (3) DATA.—
 - (A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall leverage data gathered from previous requests for certificates of waivers.
 - (B) CONSIDERATIONS.—In carrying out subparagraph (A), the Administrator shall safely use—
 - (i) big data analytics; and
 - (ii) machine learning.
- (c) CONSIDERATION OF PROPERTY OWNERSHIP INTEREST.—
 - (1) IN GENERAL.—In determining whether to issue a certificate of waiver under section 107.200 of title 14, Code of Federal Regulations, the Administrator shall—
 - (A) consider whether the waiver applicant has control over access to all real property on the ground within the area of operation; and
 - (B) recognize and account for the safety enhancements of such controlled access.
 - (2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to direct the Administrator to consider the lack of control over access to all real property on the ground within an area of operation, or a lack of property interest in such area of operation, as negatively affecting the safety of the operation intended to be conducted under such certificate of waiver.
- (d) PUBLIC AVAILABILITY OF WAIVERS.—
 - (1) IN GENERAL.—The Administrator shall publish all certificates of waiver issued under section 107.200 of title 14, Code of Federal Regulations, on the website of the Administration, including, with respect to each issued certificate of waiver—
 - (A) the terms, conditions, and limitations; and
 - (B) the class of airspace and any restrictions related to operating near airports or heliports.
 - (2) PUBLICATION.—In carrying out paragraph (1), the Administrator shall ensure that published information is made available in a manner that prevents inappropriate disclosure of proprietary information.
- (e) PRECEDENTIAL USE OF PREVIOUSLY APPROVED WAIVERS.—
 - (1) WAIVER APPROVAL PRECEDENT.—Except as provided in paragraph (3), if the Administrator determines, using criteria for a particular waiver, that an application for a certificate of waiver issued under section 107.200 of title 14, Code of Federal Regulations, is substantially similar (or is comprised of elements that are substantially similar) to an application for a certificate of waiver that the

Administrator has previously approved, the Administrator may streamline, as appropriate, the approval of applications with substantially similar conditions and limitations as a previously approved application.

(2) **RULE OF CONSTRUCTION.**—Nothing in paragraph (1) shall be construed to preclude an applicant for a certificate of waiver from applying to modify a condition, or remove a limitation of, such certificate.

(f) **MODIFICATION OF WAIVERS.**—

(1) **IN GENERAL.**—The Administrator shall establish an expedited review process for a request to modify or renew certificates of waiver previously issued under section 107.200 of title 14, Code of Federal Regulations, as appropriate.

(2) **USE OF REVIEW PROCESS.**—The review process established under paragraph (1) shall be used to review certificates of waiver that cover operations that are substantially similar in all material facts to operations covered under a subsequently issued certificate of waiver.

SEC. 615. ACCEPTABLE LEVELS OF RISK AND RISK ASSESSMENT METHODOLOGY.

(a) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish acceptable levels of risk, and develop a risk assessment methodology associated with such levels of risk, to enable unmanned aircraft system operations conducted—

- (1) under waivers issued to part 107 of title 14, Code of Federal Regulations;
- (2) pursuant to section 44807 of title 49, United States Code; or
- (3) pursuant to future regulations promulgated by the Administrator, as appropriate.

(b) **ACCEPTABLE LEVELS OF RISK.**—In carrying out subsection (a), the Administrator shall establish acceptable levels of risk for unmanned aircraft system operations in the national airspace system and a method for assessing the operational risk of a proposed operation in accordance with such acceptable level.

(c) **RISK ASSESSMENT METHODOLOGY.**—In carrying out subsections (a) and (b), the Administrator shall develop a risk assessment methodology to allow remote pilots in command operating unmanned aircraft systems pursuant to subsection (a) to determine the risk associated with a specific operation, and mitigate such a risk, as necessary.

(d) **RISK ASSESSMENT METHODOLOGY CONSIDERATIONS.**—In establishing the risk assessment methodology described under this section, the Administrator shall consider—

- (1) the time of day of the operation;
- (2) the population density of the area of operation;
- (3) the class of airspace and such requirements necessary for airspace users to legally operate in each class of airspace;
- (4) the proximity to infrastructure, to the extent that proximity mitigates risk to other operators of the national airspace system;
- (5) the nature of the detect and avoid mitigation measures of an unmanned aircraft system; and
- (6) the attributes and characteristics of the unmanned aircraft of the unmanned aircraft system, including the—
 - (A) size;
 - (B) visibility;
 - (C) maximum takeoff weight;
 - (D) maximum indicated airspeed; and
 - (E) payload.

(e) **PUBLICATION.**—The Administrator shall make the risk assessment methodology established under this section available to the public on an appropriate website of the Administration.

(f) **DEFINITIONS OF UNMANNED AIRCRAFT AND UNMANNED AIRCRAFT SYSTEM.**—In this section, the terms “unmanned aircraft” and “unmanned aircraft system” have the meanings given such terms in section 44801 of title 49, United States Code.

SEC. 616. ENVIRONMENTAL REVIEW.

(a) **GUIDANCE UPDATES.**—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall publish unmanned aircraft system-specific guidance and implementation procedures. Such guidance and implementation procedures shall—

(1) provide guidance to streamline environmental assessments at a programmatic level, as the Administrator considers appropriate, for an unmanned aircraft system operator’s network of operations within a defined geographical region, including within and over approved commercial or industrial sites closed or restricted to the public;

(2) provide guidance for nationwide programmatic approaches for large scale distributed unmanned aircraft system operations whereby a Programmatic En-

vironmental Assessment or Environmental Impact Statement can be leveraged for subsequent related actions to ensure efficient environmental review;

(3) consider additional Categorical Exclusions based on previously prepared and finalized Environmental Assessments or in consultation with the Council on Environmental Quality;

(4) prioritize proposed projects or activities that may—

(A) offset or limit the impacts of non-zero emission activities;

(B) offset or limit the release of environmental pollutants to soil or water;

or

(C) demonstrate other factors to the benefit of the environment as determined by the Administrator;

(5) contain intra-agency process improvements to avoid providing conflicting safety and environmental feedback to operators;

(6) contain standards and criteria for engaging specialized third parties to support the Administration's preparation and review of documentation relating to the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to ensure streamlined timelines for complex reviews; and

(7) any other modifications the Administrator considers necessary within the stated environmental objectives of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Federal priority to maintain global leadership in aviation innovation.

(b) BRIEFING.—No later than 90 days after the date of enactment of this Act, the Administrator shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the plan of the Administration to implement subsection (b), including each of the considerations specified in the subsection, and an explanation for any consideration the Administrator does not intend to implement.

(c) CONCURRENT REVIEWS.—If the Administrator determines that the review of an unmanned aircraft system's design, construction, maintenance and operational sustainability, airworthiness approval, or operational approval requires environmental assessment, including requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Administrator shall, to the maximum extent practicable, conduct such reviews and analyses concurrent with one another.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as prohibiting, restricting or otherwise limiting the authority of the Secretary of Transportation or the Administrator from implementing or complying with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any related requirements to ensure the protection of the environment and aviation safety.

(e) ASSOCIATED UAS CERTIFICATION STANDARDS.—

(1) OPTION TO SUSPEND NOISE CERTIFICATION REQUIREMENT PENDING STANDARDS DEVELOPMENT.—Notwithstanding the requirements of section 44715 of title 49, United States Code, the Administrator may waive the determination of compliance with part 36 of title 14, Code of Federal Regulations, for an applicant seeking an unmanned aircraft system type and airworthiness certification, provided the Administrator has developed appropriate noise measurement procedures for such systems and the Administrator has received the noise measurements results based on such procedures from the applicant.

(2) DEVELOPMENT OF CRITERIA.—Not later than 90 days after the date of enactment of this Act, the Administrator shall develop and establish substantive criteria and standards metrics used by the Administrator to determine whether to approve or disapprove the airworthiness of an unmanned aircraft pursuant to part 36 of title 14, Code of Federal Regulations.

(3) SUBSTANTIVE CRITERIA AND STANDARDS METRICS.—In establishing the substantive criteria and standards metrics as required under paragraph (2), the Administrator shall include such criteria and metrics related to the airworthiness of unmanned aircraft for the following:

(A) Noise impacts.

(B) Visual impacts.

(4) PUBLICATION.—The Administrator shall publish in the Federal Register and post on a website of the Federal Aviation Administration the criteria and metrics established pursuant to paragraph (2).

(f) DEFINITION OF UNMANNED AIRCRAFT SYSTEM.—In this section, the term “unmanned aircraft system” has the meaning given such term in section 44801 of title 49, United States Code.

SEC. 617. CARRIAGE OF HAZARDOUS MATERIALS.

(a) NEAR-TERM APPROVALS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall coordi-

nate with the Administrator of the Pipeline and Hazardous Materials Safety Administration to revise processes in effect on the date of enactment of this Act for the carriage of hazardous materials by unmanned aircraft systems to provide that—

(1) special conditions, waivers, or other requirements necessary to enable the carriage of hazardous materials shall be incorporated into the existing regulatory and operator certification processes of the Federal Aviation Administration for unmanned aircraft operations in which the aircraft—

(A) weighs less than 100 pounds; and

(B) is capable of carrying less than 10 pounds gross weight of limited quantity cargo; and

(2) the existing special permitting process or other existing processes carried out by the Administrator of the Pipeline and Hazardous Materials Safety Administration shall be initiated as early as practicable, and in conjunction with the existing regulatory and operator certification processes of the Federal Aviation Administration, for unmanned aircraft operations in which the unmanned aircraft—

(A) weighs 100 pounds or more; or

(B) is capable of carrying 10 pounds or more gross weight of limited quantity cargo.

(b) RULEMAKING.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall revise requirements, guidance, standards, or other policy materials governing the carriage of hazardous materials to allow for the carriage of a de minimis amount of hazardous materials by an unmanned aircraft.

(2) CONSIDERATIONS.—In carrying out paragraph (1), the Administrator shall consider—

(A) whether a hazardous material is a consumer commodity;

(B) requirements for common carriage and private carriage;

(C) whether the transportation of a de minimis volume, weight, or amount of a hazardous material would pose an unreasonable risk to health and safety or property;

(D) whether the volume, weight, or amount of a hazardous material is large enough to permit the transportation of a commercially meaningful volume, weight, or amount; and

(E) the altitude at which unmanned aircraft operations are conducted.

(3) IMPLEMENTATION.—

(A) PETITION.—The Secretary shall establish a process for a person to petition to establish or revise a de minimis amount or a hazardous material.

(B) PERIODIC UPDATES.—The Secretary shall—

(i) periodically review, as necessary, de minimis amounts of hazardous materials established under paragraph (1);

(ii) determine whether such amounts of Hazardous materials should be revised, based on operational and safety data or other factors; and

(iii) assess whether to establish a de minimis amount for a hazardous material for which a de minimis volume, weight, or amount has previously not been established.

(c) SAVING CLAUSE.—Nothing in this section shall be construed to—

(1) limit the authority of the Secretary, the Administrator of the Federal Aviation Administration, or the Administrator of the Pipeline and Hazardous Materials Safety Administration from implementing requirements under existing authorities to ensure the safe carriage of hazardous materials by aircraft; and

(2) confer upon the Administrator of the Federal Aviation Administration the authorities of the Administrator of the Pipeline and Hazardous Materials Safety Administration, as described in part 175 of title 49, Code of Federal Regulations, and chapter 51 of title 49, United States Code.

(d) EXEMPTION.—The authorities of the Administrator related to the transportation, packaging, marking, or description of hazardous materials in section 106(g)(1) of title 49, United States Code, shall not apply to the extent necessary to enact the requirements of this section.

(e) DEFINITIONS.—In the section:

(1) UNMANNED AIRCRAFT SYSTEM.—The term “unmanned aircraft system” has the meaning given the term in section 44801 of title 49, United States Code.

(2) CONSUMER COMMODITY.—The term “consumer commodity” has the meaning given such term in section 171.8 of title 49, Code of Federal Regulations.

SEC. 618. UNMANNED AIRCRAFT SYSTEM USE IN WILDFIRE RESPONSE.

(a) UNMANNED AIRCRAFT SYSTEMS IN WILDFIRE RESPONSE.—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in coordination with the United States Forest Service and any other Federal entity or contracted operator the Administrator considers appropriate, shall develop a plan on the use of unmanned aircraft systems by public entities in wildfire response efforts, including wildfire detection, mitigation, and suppression.

(2) **PLAN CONTENTS.**—The plan under subsection (a) shall provide recommendations to—

(A) identify and designate areas of public land with high potential for wildfires in which public entities may conduct unmanned aircraft system beyond visual line of sight operations as part of wildfire response efforts, including wildfire detection, mitigation, and suppression;

(B) develop a process to facilitate the safe and efficient operation of unmanned aircraft systems beyond the visual line of sight in wildfire response efforts in areas designated under paragraph (A), including the waiver process under section 91.113 or section 107.31 of title 14, Code of Federal Regulations, for public entities that use unmanned aircraft systems for aerial wildfire detection, mitigation, and suppression; and

(C) improve coordination between the relevant Federal agencies and public entities on the use of unmanned aircraft systems in wildfire response efforts.

(3) **PLAN SUBMISSION.**—Upon completion of the plan under subsection (a), the Administrator of the Federal Aviation Administration shall submit such plan to, and provide a briefing for, the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senates.

(4) **PUBLICATION.**—Upon submission of the plan under subsection (a), the Administrator of the Federal Aviation Administration shall publish such plan on a publicly available website of the Administration.

(b) **APPLICABILITY.**—This section shall only apply to unmanned aircraft systems that are—

(1) operated by, or on behalf of, a public entity;

(2) operated in airspace covered by a wildfire-related temporary flight restriction under section 91.137 of title 14, Code of Federal Regulations; and

(3) under the operational control of, or otherwise are being operationally coordinated by, an authorized aviation coordinator responsible for coordinating disaster relief aircraft within the airspace covered by such temporary flight restriction.

(c) **INTERAGENCY COORDINATION.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall seek to enter into the necessary agreements to provide a liaison of the Administration to the National Interagency Fire Center to facilitate the use of manned and unmanned aircraft in wildfire response efforts, including wildfire detection, mitigation, and suppression.

(d) **SAVINGS CLAUSE.**—Nothing in this Act shall be construed to confer upon the Administrator of the Federal Aviation Administration the authorities of the Administration of the Federal Emergency Management Agency on wildfire response under section 611 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196).

(e) **DEFINITIONS.**—In this section:

(1) **PUBLIC ENTITY.**—The term “public entity” means—

(A) a Federal agency;

(B) a State government;

(C) a local government;

(D) a Tribal government; and

(E) a territorial government.

(2) **PUBLIC LAND.**—The term “public land” has the meaning given such term in section 205 of the Sikes Act (16 U.S.C. 670k).

(3) **UNMANNED AIRCRAFT SYSTEM.**—The term “unmanned aircraft system” has the meaning given such term in section 44801 of title 49, United States Code.

(4) **WILDFIRE.**—The term “wildfire” has the meaning given that term in section 2 of the Emergency Wildfire Suppression Act (42 U.S.C. 1856m).

SEC. 619. PILOT PROGRAM FOR UAS INSPECTIONS OF FAA INFRASTRUCTURE.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall establish and initiate a pilot program to supplement appropriate inspection and oversight activities of the department with unmanned aircraft systems for the purposes of increasing employee safety, enhancing data collection, increasing the accuracy of inspections, reducing costs, and other purposes the Secretary considers to be in the broader interests of good government.

(b) **GROUND-BASED AVIATION INFRASTRUCTURE.**—Under the program required in subsection (a), the Administrator of the Federal Aviation Administration shall evaluate the use of unmanned aircraft systems to inspect ground-based aviation infrastructure that may require visual inspection in hard-to-reach areas, including—

- (1) navigational aids;
- (2) air traffic control towers;
- (3) radar facilities;
- (4) communication facilities; and
- (5) other air traffic control facilities.

(c) **COORDINATION.**—In carrying out the pilot program established under subsection (a), the Secretary shall consult with the labor union certified under section 7111 of title 5, United States Code, to represent personnel responsible for the inspection of the ground-based aviation infrastructure described in subsection (b).

(d) **COVERED FOREIGN UNMANNED AIRCRAFT SYSTEM.**—The Secretary may not carry out an inspection under this section using an unmanned aircraft system manufactured by—

- (1) an entity included on the Consolidated Screening list or Entity List as designated by the Secretary of Commerce;
- (2) an entity domiciled in the People’s Republic of China or the Russian Federation; or
- (3) an entity, or a subsidiary or affiliate of an entity, that is subject to influence or control by—
 - (A) the Government of the People’s Republic of China;
 - (B) the Chinese Communist Party; or
 - (C) the Russian Federation.

(e) **BRIEFING.**—Not later than 2 years after the date of enactment of this Act, and annually thereafter until the termination of the pilot program under this section, the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a briefing on the status and results of the pilot program established under subsection (a), including—

- (1) cost saving;
- (2) a description of how unmanned aircraft systems were used to supplement existing inspection, data collection, or oversight activities of Department employees, including the number of operations and types of activities performed;
- (3) efficiency or safety improvements, if any, associated with the use of unmanned aircraft systems to supplement conventional inspection, data collection, or oversight activities;
- (4) the fleet of unmanned aircraft systems maintained by the Department of Transportation for the program, or an overview of the services used as part of the pilot program; and
- (5) recommendations for improving the use or efficacy of unmanned aircraft systems to supplement the Department’s conventional inspection, data collection, or oversight activities.

(f) **SUNSET AND INCORPORATION INTO STANDARD PRACTICE.**—

(1) **SUNSET.**—The pilot program established under subsection (a) and the reporting requirement under subsection (f) shall terminate on the date that is 50 months after the date of enactment of this Act.

(2) **INCORPORATION INTO STANDARD PRACTICE.**—Upon termination of the pilot program, the Secretary shall assess the results of the pilot program under this section and determine whether to permanently incorporate the use of unmanned aircraft systems into the regular inspection, data collection, and oversight activities of the Department.

(3) **REPORT TO CONGRESS.**—Not later than 3 months after the termination of the pilot program under paragraph (1), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the final results of the pilot program and the actions taken by the Administrator pursuant to paragraph (2).

SEC. 620. DRONE INFRASTRUCTURE INSPECTION GRANT PROGRAM.

(a) **AUTHORITY.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall establish a drone infrastructure inspection grant program to make grants to governmental entities to facilitate the use of eligible small unmanned aircraft systems to support more efficient inspection, operation, construction, maintenance, modernization, and repair of an element of critical infrastructure to improve worker safety related to critical infrastructure projects.

(b) **USE OF GRANT AMOUNTS.**—A governmental entity may use a grant provided under this section to—

- (1) purchase or lease eligible small unmanned aircraft systems;
 - (2) support operational capabilities of eligible small unmanned aircraft systems by the governmental entity;
 - (3) contract for services performed using an eligible small unmanned aircraft system in circumstances in which the governmental entity does not have the resources or expertise to safely carry out or assist in carrying out the activities described under subsection (a); and
 - (4) support the program management capability of the governmental entity to use an eligible small unmanned aircraft system.
- (c) **ELIGIBILITY.**—To be eligible to receive a grant under this section, a governmental entity shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require, including an assurance that the governmental entity or any contractor of the governmental entity, will comply with relevant Federal regulations.
- (d) **SELECTION OF APPLICANTS.**—In awarding a grant under this section, the Secretary shall prioritize applications that propose to—
- (1) carry out a critical infrastructure project in a variety of communities, including urban, suburban, rural, tribal, or any other type of community; and
 - (2) address a safety risk in the inspection, operation, construction, maintenance, or repair of an element of critical infrastructure.
- (e) **LIMITATION.**—Nothing in this section shall be construed as to interfere with an agreement between a governmental entity and a labor union, including requirements under section 5333(b) of title 49, United States Code.
- (f) **REPORT TO CONGRESS.**—Not later than 1 year after the first grant is provided under this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that evaluates the program carried out under this section, including—
- (1) a description of the number of grants awarded;
 - (2) the amount of each grant;
 - (3) the activities funded under this section; and
 - (4) the effectiveness of such funded activities in meeting the objectives described in subsection (a).
- (g) **FUNDING.**—
- (1) **FEDERAL SHARE.**—
 - (A) **IN GENERAL.**—Except as provided in subparagraph (B), the Federal share of the cost of a project carried out using a grant under this section shall not exceed 50 percent of the total project cost.
 - (B) **WAIVER.**—The Secretary may increase the Federal share requirement under subparagraph (A) to up to 75 percent for a project carried out using a grant under this section by a governmental entity if such entity—
 - (i) submits a written application to the Secretary requesting an increase in the Federal share; and
 - (ii) demonstrates that the additional assistance is necessary to facilitate the acceptance and full use of a grant under this section, such as alleviating economic hardship, meeting additional workforce needs, or such other uses that the Secretary determines to be appropriate.
 - (2) **AUTHORIZATION OF APPROPRIATIONS.**—Out of amounts authorized to be appropriated under section 106(k) of title 49, United States Code, the Secretary shall make available to carry out this section—
 - (A) \$2,000,000 for fiscal year 2024;
 - (B) \$12,000,000 for fiscal year 2025;
 - (C) \$12,000,000 for fiscal year 2026;
 - (D) \$12,000,000 for fiscal year 2027; and
 - (E) \$12,000,000 for fiscal year 2028.
- (h) **DEFINITIONS.**—In this section:
- (1) **COVERED FOREIGN ENTITY.**—The term “covered foreign entity” means an entity—
 - (A) included on the Consolidated Screening List or Entity List as designated by the Secretary of Commerce;
 - (B) domiciled in the People’s Republic of China or the Russian Federation;
 - (C) subject to influence or control by the government of the People’s Republic of China or by the Russian Federation; or
 - (D) is a subsidiary or affiliate of an entity described in subparagraphs (A) through (C).
 - (2) **CRITICAL INFRASTRUCTURE.**—The term “critical infrastructure” has the meaning given such term in subsection (e) of the Critical Infrastructures Protection Act of 2001 (42 U.S.C. 5195c(e)).

(3) **ELEMENT OF CRITICAL INFRASTRUCTURE.**—The term “element of critical infrastructure” means a critical infrastructure facility or asset, including public bridges, tunnels, roads, highways, dams, electric grid, water infrastructure, communication systems, pipelines, or other related facilities or assets, as determined by the Secretary.

(4) **ELIGIBLE SMALL UNMANNED AIRCRAFT SYSTEM.**—The term “eligible small unmanned aircraft system” means a small unmanned aircraft system manufactured or assembled by a company that is domiciled in the United States and is not a covered foreign entity.

(5) **ELIGIBLE SMALL UNMANNED AIRCRAFT SYSTEM TECHNOLOGY.**—The term “eligible small unmanned aircraft system technology” means—

- (A) an eligible small unmanned aircraft system; or
- (B) a major component of such a system that is not manufactured by or procured from a covered foreign entity.

(6) **GOVERNMENTAL ENTITY.**—The term “governmental entity” means—

- (A) a State, the District of Columbia, the Commonwealth of Puerto Rico, a territory of the United States, or a political subdivision thereof;
- (B) a unit of local government;
- (C) a Tribal Government;
- (D) a metropolitan planning organization; or
- (E) a consortia of more than 1 of the entities described in subparagraphs (A) through (D).

(7) **PROJECT.**—The term “project” means a project for the inspection, operation, maintenance, repair, modernization, or construction of an element of critical infrastructure, including mitigating environmental hazards to such infrastructure.

(8) **SMALL UNMANNED AIRCRAFT; UNMANNED AIRCRAFT SYSTEM.**—The terms “small unmanned aircraft” and “unmanned aircraft system” have the meanings given such terms in section 44801 of title 49, United States Code.

SEC. 621. DRONE EDUCATION AND WORKFORCE TRAINING GRANT PROGRAM.

(a) **AUTHORITY.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall establish a drone education and training grant program to make grants to educational institutions for workforce training for eligible small unmanned aircraft system technology.

(b) **USE OF GRANT AMOUNTS.**—Amounts from a grant under this section shall be used in furtherance of activities authorized under sections 631 and 632 of the FAA Reauthorization Act of 2018 (49 U.S.C. 40101 note).

(c) **ELIGIBILITY.**—To be eligible to receive a grant under this section, an educational institution shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—Out of amounts authorized to be appropriated under section 106(k) of title 49, United States Code, the Secretary shall make available to carry out this section—

- (1) \$2,000,000 for fiscal year 2024;
- (2) \$12,000,000 for fiscal year 2025;
- (3) \$12,000,000 for fiscal year 2026;
- (4) \$12,000,000 for fiscal year 2027; and
- (5) \$12,000,000 for fiscal year 2028.

(e) **DEFINITIONS.**—In this section:

(1) **COVERED FOREIGN ENTITY.**—The term “covered foreign entity” means an entity—

- (A) included on the Consolidated Screening List or Entity List as designated by the Secretary of Commerce;
- (B) domiciled in the People’s Republic of China or the Russian Federation;
- (C) subject to influence or control by the government of the People’s Republic of China or by the Russian Federation; or
- (D) is a subsidiary or affiliate of an entity described in subparagraphs (A) through (C).

(2) **EDUCATIONAL INSTITUTION.**—The term “educational institution” means an institution of higher education (as defined in section 101 of the High Education Act of 1965 (20 U.S.C. 1001)) that participates in a program authorized under sections 631 and 632 of the FAA Reauthorization Act of 2018 (49 U.S.C. 40101 note).

(3) **ELIGIBLE SMALL UNMANNED AIRCRAFT SYSTEM.**—The term “eligible small unmanned aircraft system” means a small unmanned aircraft system manufactured or assembled by a company that is domiciled in the United States and is not a covered foreign entity.

(4) **SMALL UNMANNED AIRCRAFT; UNMANNED AIRCRAFT SYSTEM.**—The terms “small unmanned aircraft” and “unmanned aircraft system” have the meanings given such terms in section 44801 of title 49, United States Code.

SEC. 622. DRONE WORKFORCE TRAINING PROGRAM STUDY.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall initiate a study of the effectiveness of the Collegiate Training Initiative Program for Unmanned Aircraft Systems, established pursuant to section 632 of the FAA Reauthorization Act 2018 (49 U.S.C. 40101 note).

(b) **REPORT.**—Upon completion of the study under subsection (a), the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing—

- (1) the findings of the study; and
- (2) any recommendations to improve and expand the Collegiate Training Initiative Program for Unmanned Aircraft Systems.

SEC. 623. UAS INTEGRATION OFFICE.

The Executive Director of the UAS Integration Office of the Federal Aviation Administration shall—

- (1) support, and provide substantive recommendations for, rulemaking proceedings, in coordination with other relevant services and offices and the Assistant Administrator of Rulemaking and Regulatory Improvement, regarding the integration of unmanned aircraft systems into the national airspace system;
- (2) support, and make substantive recommendations to inform, the review and adjudication of submissions under the processes established under section 44807 of title 49, United States Code, as amended by section 605;
- (3) support, and make substantive recommendations to inform, the development, modification, and acceptance or approval of relevant consensus standards, means of compliance, and declarations of compliance related to unmanned aircraft systems;
- (4) ensure the timely consideration of airworthiness and operational determinations related to unmanned aircraft systems by relevant offices of the Administration;
- (5) consult, advise, coordinate with, and make substantive recommendations to relevant lines of business and staff offices of the Administration to support the activities of the Administration and efficiently carry out the duties described in this section;
- (6) hire full-time equivalent employees, as necessary, to build expertise within the UAS Integration Office to assess unmanned aviation technologies and related operational risk mitigation; and
- (7) engage in any other activities determined necessary by the Executive Director or the Administrator of the Federal Aviation Administration, to fulfill the duties described in this section.

SEC. 624. TERMINATION OF ADVANCED AVIATION ADVISORY COMMITTEE.

The Secretary of Transportation may not renew the charter of the Advanced Aviation Advisory Committee (chartered by the Secretary on June 10, 2022).

SEC. 625. UNMANNED AND AUTONOMOUS FLIGHT ADVISORY COMMITTEE.

(a) **IN GENERAL.**—Not later than 1 year after the termination of the Advanced Aviation Advisory Committee pursuant to section 624, the Administrator of the Federal Aviation Administration shall establish an Unmanned and Autonomous Flight Advisory Committee (in this section referred to as the “Advisory Committee”).

(b) **DUTIES.**—The Advisory Committee shall provide the Administrator advice on policy- and technical-level issues related to unmanned and autonomous aviation operations and activities, including, at a minimum, the following:

- (1) The safe integration of unmanned aircraft systems and autonomous flight operations into the national airspace system, including feedback on—
 - (A) the certification and operational standards of highly automated aircraft, unmanned aircraft, and associated elements of such aircraft;
 - (B) coordination of procedures for operations in controlled airspace; and
 - (C) communication protocols.
- (2) The use cases of unmanned aircraft systems, including evaluating and assessing the potential benefits of using unmanned aircraft systems.
- (3) The development of processes and methodologies to address safety concerns related to the operation of unmanned aircraft systems, including risk assessments and mitigation strategies.
- (4) Unmanned aircraft system training, education, and workforce development programs, including evaluating aeronautical knowledge gaps in the unmanned

aircraft system workforce, assessing the workforce needs of unmanned aircraft system operations, and establishing a strong pipeline to ensure a robust unmanned aircraft system workforce.

(5) The analysis of unmanned aircraft system data and trends.

(6) Unmanned aircraft system infrastructure, including the use of existing aviation infrastructure and the development of necessary infrastructure.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Advisory Committee shall be composed of not more than 12 members.

(2) REPRESENTATIVES.—The Advisory Committee shall include at least 1 representative of each of the following:

(A) Small unmanned aircraft system commercial operators.

(B) Small unmanned aircraft system manufacturers.

(C) Manufacturers of unmanned aircraft weighing 55 pounds or more pursuing or holding a certificate for design or production of such unmanned aircraft.

(D) Counter-unmanned aircraft system manufacturers.

(E) Federal Aviation Administration approved unmanned aircraft system service suppliers.

(F) Unmanned aircraft system test sites under section 44803 of title 49, United States Code.

(G) An unmanned aircraft system physical infrastructure network provider.

(H) Community advocates.

(I) Certified labor organizations representing commercial airline pilots, air traffic control specialists employed by the Administration, certified aircraft maintenance technicians, certified aircraft dispatchers, and aviation safety inspectors.

(d) REPORTING.—

(1) IN GENERAL.—The Advisory Committee shall submit to the Secretary an annual report of the activities, findings, and recommendations of the Committee.

(2) CONGRESSIONAL REPORTING.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the reports required under paragraph (1).

(e) DEFINITION OF UNMANNED AIRCRAFT.—In this section, the term “unmanned aircraft” has the meaning given such term in section 44801 of title 49, United States Code.

SEC. 626. NEXTGEN ADVISORY COMMITTEE MEMBERSHIP EXPANSION.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall take such actions as may be necessary to expand the membership of the NextGen Advisory Committee chartered by the Secretary on June 15, 2022, and any subsequent chartered committees, to include a representative from the unmanned aircraft system industry and a representative from the powered-lift industry.

(b) QUALIFICATIONS.—The representatives required under subsection (a) shall have the following qualifications, as applicable:

(1) Demonstrated expertise in the design, manufacture, and operation of unmanned aircraft systems.

(2) Demonstrated experience in the development or implementation of unmanned aircraft systems policies and procedures.

(3) Demonstrated commitment to advancing the safe integration of unmanned aircraft systems into the national airspace system.

SEC. 627. TEMPORARY FLIGHT RESTRICTION INTEGRITY.

(a) IN GENERAL.—Section 40103(b) of title 49, United States Code, is amended by adding at the end the following:

“(5)(A) In issuing a temporary flight restriction, the Administrator shall—

“(i) ensure there is a specific and articulable safety or security basis for the size, scope, and duration of such restriction;

“(ii) immediately distribute a notice of the temporary flight restriction via the Notice to Air Missions system; and

“(iii) detail in the notice required under clause (ii)—

“(I) the safety basis for the restriction; and

“(II) how a covered person may lawfully and expeditiously operate an aircraft within the restriction.

“(B) In this paragraph, the term ‘covered person’ means—

“(i) a public safety agency;

- “(ii) a first responder;
- “(iii) an accredited news representative; or
- “(iv) any other person as determined appropriate by the Administrator.”.

SEC. 628. INTERAGENCY COORDINATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the purpose of the joint Department of Defense-Federal Aviation Administration executive committee (referred to in this subsection as “Executive Committee”) on conflict and dispute resolution as described in Section 1036(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) is to resolve disputes on the matters of policy and procedures between the Department of Defense and the Federal Aviation Administration relating to airspace, aircraft certifications, aircrew training, and other issues, including the access of unmanned aerial systems of the Department of Defense to the national airspace system;

(2) by mutual agreement of Executive Committee leadership, operating with the best of intentions, the current scope of activities and membership of the Executive Committee has exceeded the original intent of, and tasking to, the Executive Committee; and

(3) the expansion described in paragraph (2) has resulted in an imbalance in the oversight of certain Federal entities in matters concerning civil aviation safety and security.

(b) IN GENERAL.—

(1) CHARTER REVISION.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall seek to revise the charter of the Executive Committee to reflect the scope, objectives, membership, and activities described in such section 1036(b) in order to achieve the increasing, and ultimately routine, access of unmanned aircraft systems (as defined in section 44801 of title 49, United States Code) into the national airspace system.

(2) SUNSET.—Not earlier than 2 years after the date of enactment of this Act, the Administrator shall seek to sunset Executive Committee activities by joint agreement of the Administrator and the Secretary of Defense.

SEC. 629. REVIEW OF REGULATIONS TO ENABLE UNESCORTED UAS OPERATIONS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall, in coordination with the Secretary of Defense, conduct a review of requirements necessary to permit an unmanned aircraft systems (excluding small unmanned aircraft systems) operated by a Federal agency or an armed service to be operated in the national airspace system, including outside of restricted airspace, without being escorted by a manned aircraft.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review, including findings and recommendations on regulatory and statutory changes that can be made to enable the operations described under subsection (a).

(c) DEFINITIONS.—The definitions under section 44801 of title 49, United States Code, shall apply to this section.

SEC. 630. UAS OPERATIONS OVER HIGH SEAS.

(a) IN GENERAL.—An unmanned aircraft system operation that begins and ends within the United States or the territorial waters of the United States, shall not be considered international flight regardless of whether the unmanned aircraft system enters international airspace.

(b) DEFINITION OF UNMANNED AIRCRAFT SYSTEM.—In this section, the term “unmanned aircraft system” has the meaning given such term in section 44801 of title 49, United States Code.

SEC. 631. BEYOND BEYOND.

(a) FAA BEYOND PROGRAM EXTENSION.—The Administrator of the Federal Aviation Administration shall extend the BEYOND program of the Administration as in effect on the day before the date of enactment of this Act (referred to in this section as the “Program”) and the existing agreements with State, local, and Tribal governments entered into under the Program until such date, as specified in subsection (b).

(b) FAA BEYOND PROGRAM EXPANSION.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall expand the Program to additional locations and test the use of new and emerging aviation concepts and technologies, including

concepts and technologies unrelated to unmanned aircraft systems, to evaluate and inform Administration policies, rulemaking, and guidance related to the safe integration of such concepts and technologies into the national airspace system.

(2) SCOPE.—In expanding the Program under this subsection, the Administrator shall address additional factors, including—

(A) increasing automation in civil aircraft, including unmanned aircraft systems and new or emerging aviation technologies;

(B) operations of such systems and technologies, including beyond visual line of sight; and

(C) the social and economic impacts of such operations.

(3) CONTINUATION.—The Administrator shall carry out the expanded Program required under this subsection until such time that the Administrator determines the Program is no longer necessary or useful.

SEC. 632. UAS INTEGRATION STRATEGY.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall implement the recommendations made by—

(1) the Comptroller General of the United States to the Secretary of Transportation contained in the report titled “Drones: FAA Should Improve Its Approach to Integrating Drones into the National Airspace System” issued in January 2023 (GAO–23–105189); and

(2) the inspector general of the Department of Transportation to the Administrator contained in the audit report titled “FAA Made Progress Through Its UAS Integration Pilot Program, but FAA and Industry Challenges Remain To Achieve Full UAS Integration” issued in April 2022 (Project ID: AV2022027).

(b) BRIEFING.—Not later than 12 months after the date of enactment of this Act, the Administrator shall provide a briefing to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate annually on the status of the activities described in subsection (a).

SEC. 633. AUTHORIZATION OF APPROPRIATIONS FOR KNOW BEFORE YOU FLY CAMPAIGN.

There is authorized to be appropriated to the Administrator \$1,000,000 for each of fiscal years 2024 through 2028, out of funds made available under section 106(k) of title 49, United States Code, for the Know Before You Fly educational campaign or similar public informational efforts intended to broaden unmanned aircraft systems safety awareness.

SEC. 634. PUBLIC AIRCRAFT DEFINITION.

Section 40125(a)(2) of title 49, United States Code, is amended—

(1) by striking the first instance of “or”; and

(2) by inserting “(including data collection on civil aviation systems undergoing research, development, test, or evaluation at a test range (as such term is defined in section 44801)), infrastructure inspections, or any other activity undertaken by a governmental entity that the Administrator determines is inherently governmental” after “biological or geological resource management”.

Subtitle B—Advanced Air Mobility

SEC. 651. DEFINITION.

In this subtitle, the term “powered-lift aircraft” has the meaning given the term “powered-lift” in section 1.1 of title 14, Code of Federal Regulations.

SEC. 652. POWERED-LIFT AIRCRAFT RULEMAKINGS.

(a) FINAL RULEMAKING.—Not later than 13 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall publish a final rule for a special Federal aviation regulation establishing procedures for certifying powered-lift pilots and providing operational rules for powered-lift aircraft.

(b) FUTURE RULEMAKING.—Not later than 5 years after the date of enactment of this Act, the Administrator shall initiate a rulemaking activity providing for a permanent pathway for the—

(1) performance-based certification of powered-lift aircraft;

(2) certification of powered-lift airmen; and

(3) operation of powered-lift aircraft in commercial service and air transportation.

(c) RULEMAKING CONSIDERATIONS.—

(1) CONTENTS OF RULEMAKINGS.—In the development of the rulemakings required under subsections (a) and (b), the Administrator shall—

- (A) provide for any aircraft type certificated by the Administrator—
 - (i) a practical pathway for pilot qualification and operations; and
 - (ii) performance-based requirements for energy reserves and other range- and endurance-related requirements that reflect the capabilities and intended operations of the aircraft;
 - (B) provide for a combination of pilot training requirements, including simulators, to ensure the safe operation of powered-lift aircraft;
 - (C) grant an individual with an existing commercial airplane (single- or multi-engine) or helicopter pilot certificate the authority to serve as pilot-in-command of a powered-lift aircraft in commercial operation following the completion of a Federal Aviation Administration-approved pilot type rating for such type of aircraft;
 - (D) to the maximum extent practicable, align powered-lift pilot qualifications with section 2.1.1.4 of the International Civil Aviation Organization's Annex 1; and
 - (E) consider the adoption of the recommendations contained in document 10103 of the International Civil Aviation Organization for powered-lift operations, as appropriate.
- (2) CONSIDERATIONS FOR FUTURE RULEMAKINGS.—In the development of the rulemakings required under subsection (b), the Administrator shall—
- (A) consider and plan for unmanned and remotely piloted powered-lift aircraft systems, and the associated elements of such aircraft, through the promulgation of performance-based regulations;
 - (B) consider and plan for alternative fuel types and propulsion methods, including reviewing the performance-based nature of parts 33 and 35 of title 14, Code of Federal Regulations; and
 - (C) work to harmonize the certification and operational requirements of the Federal Aviation Administration with the certification and operational requirements of civil aviation authorities with bilateral safety agreements in place with the United States, to the extent harmonization does not negatively impact domestic manufacturers and operators.
- (d) INTERIM APPLICATION OF RULES AND PRIVILEGES IN LIEU OF RULEMAKING.—Beginning 21 months after the date of enactment of this Act, if a final rule has not been published pursuant to subsection (a)—
- (1) rules in effect on such date that apply to the operation and the operator of rotorcraft or fixed-wing aircraft under subchapters F, G, H, and I of chapter 1 of title 14, Code of Federal Regulations, shall be—
 - (A) deemed to apply to—
 - (i) the operation of a powered-lift aircraft in the national airspace system; and
 - (ii) the operator of such a powered-lift aircraft; and
 - (B) applicable as determined by the operator of an airworthy powered-lift aircraft in consultation with the Administrator and consistent with sections 91.3 and 91.13 of title 14, Code of Federal Regulations; and
 - (2) upon the completion of a type rating for a specific powered-lift aircraft, airmen that hold a pilot or instructor certification with airplane category ratings in any class or rotorcraft category ratings in the helicopter class shall be deemed to have privileges of a powered-lift rating for that aircraft.
- (e) TERMINATION OF INTERIM RULES AND PRIVILEGES.—Subsection (d) shall cease to have effect 1 month after the effective date of a final rule issued pursuant to subsection (a).

SEC. 653. POWERED-LIFT AIRCRAFT ENTRY INTO SERVICE.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall, in consultation with exclusive bargaining representatives of air traffic controllers certified under section 7111 of title 5, United States Code, take such actions as may be necessary to safely integrate powered-lift aircraft into the national airspace system, including in controlled airspace, and learn from any efforts to adopt and update related policy and guidance.

(b) AIR TRAFFIC POLICIES FOR ENTRY INTO SERVICE.—Not later than 24 months after the date of enactment of this Act, the Administrator shall update air traffic orders and policies, to the extent necessary, and address air traffic control system challenges in order to allow for—

- (1) the use of existing air traffic procedures, where safe, by powered-lift aircraft; and
- (2) the approval of letters of agreement between air traffic control system facilities and powered-lift operators and infrastructure operators to minimize the amount of active coordination required for safe recurring powered-lift aircraft operations.

(c) LONG-TERM AIR TRAFFIC POLICIES.—Based on the implementation of subsection (b), the Administrator shall—

- (1) continue to update air traffic orders and policies;
- (2) to the extent necessary, develop powered-lift specific procedures for airports, heliports, and vertiports;
- (3) evaluate the human factors impacts on controllers associated with managing powered-lift aircraft operations, consider the impact of additional operations on air traffic controller staffing, and make necessary changes to staffing, procedures, regulations, and orders; and
- (4) consider the use of third-party service providers to manage increased operations in controlled airspace to support and supplement the work of air traffic controllers.

SEC. 654. SENSE OF CONGRESS ON PREPARATION FOR ENTRY INTO SERVICE OF POWERED-LIFT AIRCRAFT.

It is the sense of Congress that the Administrator of the Federal Aviation Administration should work with manufacturers, prospective operators of powered-lift aircraft, and other stakeholders, to enable the safe entry of such aircraft into commercial service following the publication of the final special Federal Aviation Administration rulemaking titled “Integration of Powered-Lift: Pilot Certification and Operations; Miscellaneous Amendments Related to Rotorcraft and Airplanes”, including by reviewing and providing feedback to such manufacturers and operators on draft pilot training, operations, and maintenance manuals after the publication of the draft special Federal Aviation Administration rulemaking and prior to the publication of a final rule, as appropriate.

SEC. 655. INFRASTRUCTURE SUPPORTING VERTICAL FLIGHT.

(a) UPDATES TO REGULATIONS FOR CONSISTENCY.—The Administrator of the Federal Aviation Administration shall update part 1 and part 157 of title 14, Code of Federal Regulations, and other regulations as necessary to implement the amendments made by section 401.

(b) UPDATE TO HELIPORT DESIGN STANDARDS.—The Administrator shall update the version of Advisory Circular 150/5390–2, titled “Heliport Design” in effect on the date of enactment of this Act, to—

- (1) increase the inclusion of performance-based guidance, including around aircraft fuel type and propulsion method;
- (2) update guidance to consider risk mitigations and hazards associated with different aircraft fuel types and propulsion methods;
- (3) affirm the general permissibility of any vertical takeoff and landing capable aircraft to use heliports that can safely accommodate the physical and operating characteristics of such aircraft; and
- (4) include vertiport as a subclass of heliport.

(c) ENGINEERING BRIEF ON VERTIPORT DESIGN.—The Administrator may update the version of Engineering Brief 105, titled “Vertiport Design” in effect on the date of enactment of this Act, prior to issuing an update to Advisory Circular 150/5390–2, as required under subsection (b).

(d) ENGINEERING BRIEF SUNSET.—The Administrator shall revoke Engineering Brief 105, titled “Vertiport Design”, on the earlier of—

- (1) the date on which Advisory Circular 150/5390–2 is updated under subsection (b); or
- (2) 5 years after the date of enactment of this Act.

(e) GUIDANCE, FORMS, AND PLANNING.—The Administrator shall—

- (1) ensure airport district offices of the Administration have sufficient guidance and policy direction regarding the Administration’s heliport and vertiport design guidance not later than 18 months after the date of enactment of this Act and update such guidance routinely;
- (2) determine if updates to Administration Form 7460 and Form 7480 are necessary and take such actions, as appropriate; and
- (3) ensure that the methodology and underlying data sources of the Administration’s Terminal Area Forecast include commercial operations conducted by aircraft regardless of propulsion type or fuel type.

SEC. 656. CHARTING OF AVIATION INFRASTRUCTURE.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall increase efforts to update and keep current the Airport Master Record of the Administration, including by establishing a streamlined process by which the owners and operators of public and private aviation facilities with nontemporary, nonintermittent operations are encouraged to keep the information on such facilities current.

(b) BRIEFING.—The Administrator shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Com-

merce, Science, and Transportation of the Senate on the plans of the Administrator to update and keep current the Airport Master Record for private and public airports, heliports, and vertiports.

SEC. 657. ADVANCED AIR MOBILITY WORKING GROUP.

Section 2 of the Advanced Air Mobility Coordination and Leadership Act (49 U.S.C. 40101 note) is amended—

- (1) in subsection (b) by striking “, particularly passenger-carrying aircraft,”;
 (2) in subsection (d)(1) by striking subparagraph (D) and inserting the following:

“(D) operators of airports, heliports, and vertiports, and fixed-base operators;”;

- (3) in subsection (e)—

(A) in the matter preceding paragraph (1) by striking “1 year” and inserting “18 months”;

(B) in paragraph (3) by inserting “or that may impede maturation” after “AAM industry”;

(C) in paragraph (7) by striking “and” at the end;

(D) in paragraph (8) by striking the period at the end and inserting “; and”;

(E) by adding at the end the following:

“(9) processes and programs that can be leveraged to improve the efficiency of Federal reviews required for infrastructure development, including for electrical capacity projects.”;

(4) in subsection (f)(1) by striking “necessary to support the evolution of early” and inserting the following: “that would allow for—

“(A) the timely entry into service of AAM after aircraft and operator certification; and

“(B) the evolution of early”;

- (5) in subsection (g)—

(A) in the matter preceding paragraph (1) by striking “working group” and inserting “Secretary of Transportation”;

(B) in paragraph (1) by striking “and” at the end;

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following:

“(2) summarizing any dissenting views and opinions of a participant of the working group described in subsection (c)(3); and”;

- (6) in subsection (i)—

(A) in paragraph (1) by striking “that transports people and property by air between two points in the United States using aircraft with advanced technologies, including electric aircraft or electric vertical take-off and landing aircraft,” and inserting “comprised of urban air mobility and regional air mobility using manned or unmanned aircraft”;

(B) by redesignating paragraph (5) as paragraph (7);

(C) by redesignating paragraph (6) as paragraph (9);

(D) by inserting after paragraph (4) the following:

“(5) POWERED-LIFT AIRCRAFT.—The term ‘powered-lift aircraft’ has the meaning given the term ‘powered-lift’ in section 1.1 of title 14, Code of Federal Regulations.

“(6) REGIONAL AIR MOBILITY.—The term ‘regional air mobility’ means the movement of people or property by air between 2 points using an airworthy aircraft that—

“(A) has advanced technologies, such as distributed propulsion, vertical take-off and landing, powered-lift, non-traditional power systems, or autonomous technologies;

“(B) has a maximum takeoff weight of greater than 1,320 pounds; and

“(C) is not urban air mobility.”;

(E) by inserting after paragraph (7), as so redesignated, the following:

“(8) URBAN AIR MOBILITY.—The term ‘urban air mobility’ means the movement of people or property by air between 2 intracity or intercity points using an airworthy aircraft that—

“(A) advanced technologies, such as distributed propulsion, vertical take-off and landing, powered-lift, nontraditional power systems, or autonomous technologies; and

“(B) a maximum takeoff weight of greater than 1,320 pounds.”; and

(F) by adding at the end the following:

“(10) VERTIPOINT.—The term ‘vertiport’ has the meaning given such term in section 47102 of title 49, United States Code.”;

- (7) by redesignating subsection (i) as subsection (j); and

(8) by inserting after subsection (h) the following:

“(i) CONSIDERATIONS FOR TERMINATION OF WORKING GROUP.—In deciding whether to terminate the working group under subsection (h), the Secretary and the Administrator of the Federal Aviation Administration shall consider other interagency coordination activities associated with AAM, or other new or novel users of the national airspace system, that could benefit from continued wider interagency coordination.”.

SEC. 658. ADVANCED AIR MOBILITY INFRASTRUCTURE PILOT PROGRAM EXTENSION.

Section 101 of division Q of the Consolidated Appropriations Act, 2023 (49 U.S.C. 40101 note) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A) by inserting “, as well as the use of existing airport and heliport infrastructure that may require modifications to safely accommodate AAM operations,” after “vertiport infrastructure”; and

(ii) in subparagraph (B)—

(I) in clause (iii) by striking “vertiport” and inserting “locations for”;

(II) in clause (iv) by inserting “and guidance” after “any standards”;

(III) in clause (v) by striking “vertiport infrastructure” and inserting “urban air mobility and regional air mobility operations”; and

(IV) in clause (x) by inserting “or the modification of existing aviation infrastructure” after “operation of a vertiport”; and

(B) in paragraph (6)(B)—

(i) in clause (i) by striking “and” at the end;

(ii) in clause (ii) by striking the period at the end and inserting “; and”;

(iii) by adding at the end the following:

“(iii) a description of—

“(I) initial community engagement efforts and responses from the public on the planning and development efforts of eligible entities related to urban air mobility and regional air mobility operations;

“(II) how eligible entities are planning for and encouraging early adoption of urban air mobility and regional air mobility operations;

“(III) what role each level of government plays in the process; and

“(IV) whether such entities recommend specific regulatory or guidance actions be taken by the Secretary of Transportation or other Federal agencies in order to support such early adoption.”;

(2) in subsection (c)(1)—

(A) by striking “years 2023 and 2024” and inserting “years 2023 through 2026”; and

(B) by inserting before the period “out of funds made available under section 106(k) of title 49, United States Code”;

(3) in subsection (d) by striking “2024” and inserting “2026” each place it appears; and

(4) in subsection (e)—

(A) by striking paragraph (1) and inserting the following:

“(1) ADVANCED AIR MOBILITY; AAM; REGIONAL AIR MOBILITY; URBAN AIR MOBILITY; VERTIPOINT.—The terms ‘advanced air mobility’, ‘AAM’, ‘regional air mobility’, ‘urban air mobility’, and ‘vertiport’ have the meaning given such terms in section 2(j) of the Advanced Air Mobility Coordination and Leadership Act (49 U.S.C. 40101 note).”; and

(B) by striking paragraphs (9) and (10).

Subtitle C—Other Provisions

SEC. 681. REPORT ON NATIONAL SPACEPORTS POLICY.

Section 580(c)(3) of the FAA Reauthorization Act of 2018 (Public Law 115–254) is amended by striking “2024” and inserting “2028”.

SEC. 682. INTERMODAL TRANSPORTATION INFRASTRUCTURE IMPROVEMENT PILOT PROGRAM.

(a) **IN GENERAL.**—The Secretary shall establish a pilot program to issue grants to operators of launch and reentry sites for projects to construct, repair, maintain, or improve transportation infrastructure and facilities at such sites.

(b) **PILOT PROGRAM QUALIFICATIONS.**—The Secretary may enter into agreements under this section to issue a grant to an operator only if the operator—

(1) has submitted an application to the Secretary in such form, at such time, and containing such information as prescribed by the Secretary;

(2) demonstrates to the Secretary's satisfaction that the project for which the application has been submitted is for an eligible purpose under subsection (c); and

(3) agrees to maintain such records relating to the grant as the Secretary may require and to make such records available to the Secretary or the Comptroller General of the United States upon request.

(c) **PERMITTED USE OF PILOT PROGRAM GRANTS.**—An operator may use a grant provided under this subsection for a project to construct, repair, maintain, or improve infrastructure and facilities that—

(1) are located at, or adjacent to, a launch or reentry site; and

(2) directly enable or support transportation safety or covered transportation activities.

(d) **PILOT PROGRAM GRANTS.**—

(1) **GRANT FORMULA.**—At the beginning of each fiscal year after fiscal year 2024, the Secretary shall issue a grant to an operator that qualifies for the pilot program under subsection (b) an amount equal to the sum of—

(A) \$250,000 for each licensed launch or reentry operation conducted from the applicable launch or reentry site or at any adjacent Federal launch range in the previous fiscal year; and

(B) \$100,000 for each launch or reentry operation conducted under a permit from the applicable launch or reentry site or at any adjacent Federal launch range in the previous fiscal year.

(2) **MAXIMUM GRANT.**—Except as provided in subsection (e)(5), a grant issued to an operator under this subsection shall not exceed \$2,500,000 for a fiscal year.

(3) **ADJACENCY.**—

(A) **IN GENERAL.**—In issuing a grant to an operator under paragraph (1), the Secretary shall determine whether a launch or reentry site is adjacent to a Federal launch range.

(B) **LIMITATION.**—Only 1 operator may receive an amount under paragraph (1) for each licensed or permitted launch or reentry operation described in such subparagraph.

(C) **MULTIPLE LAUNCH OR REENTRY SITES OPERATED BY 1 OPERATOR.**—If an operator holds a license to operate more than 1 launch site or more than 1 reentry site that are adjacent to a Federal launch range, the Secretary shall consider such launch or reentry sites as 1 launch or reentry site for purposes of subparagraph (A).

(e) **SUPPLEMENTAL GRANTS IN SUPPORT OF STATE, LOCAL, OR PRIVATE MATCHING.**—

(1) **IN GENERAL.**—The Secretary may issue a supplemental grant to an operator, subject to the requirements of this paragraph.

(2) **DOLLAR-FOR-DOLLAR MATCHING.**—If a qualified entity provides an operator an amount equal to or greater than the amount of a grant provided in a fiscal year under subsection (d) (for the explicit purpose of matching such grant), the Secretary may issue a supplemental grant to the operator that is equal to 25 percent of such grant in the following fiscal year.

(3) **ADDITIONAL NON-FEDERAL MATCHING.**—If a qualified entity provides an operator an amount equal to or greater than two times the amount of a grant provided in a fiscal year to the operator under subsection (d) (for the explicit purpose of matching such grant), the Secretary may issue a supplemental grant to the operator that is equal to 50 percent of such grant in the following fiscal year.

(4) **SUPPLEMENTAL GRANT LIMITATIONS.**—

(A) **MATCH TIMING.**—The Secretary may issue a supplemental grant under paragraph (2) or (3) only if an amount provided by a qualified entity is provided to the operator in the same fiscal year as the grant issued under subsection (d).

(B) **NON-DUPLICATION OF MATCHING GRANTS.**—If the Secretary issues a supplemental grant to the operator of a launch site under paragraph (3),

the Secretary may not issue a supplemental grant under paragraph (2) to the same operator in the same fiscal year.

(5) NON-APPLICATION OF GRANT CEILING.—The limitation on a grant amount under subsection (d)(2) shall not apply to supplemental grants issued under this subsection.

(f) FUNDING.—

(1) PILOT PROGRAM GRANT FUNDS.—The grants issued under this section shall be issued from funds made available out of amounts available under section 106(k) of title 49, United States Code.

(2) MAXIMUM ANNUAL LIMIT ON PILOT PROGRAM.—

(A) IN GENERAL.—The total amount of all grants issued under this section shall not exceed \$20,000,000 in any fiscal year.

(B) GRANT REDUCTION.—In complying with subparagraph (A), the Secretary—

(i) may proportionally reduce the amount of, or decline to issue, a supplemental grant under subsection (e); and

(ii) if the reduction under clause (i) is insufficient, shall proportionally reduce grants issued under subsection (d).

(g) DEFINITIONS.—In this section:

(1) COVERED TRANSPORTATION ACTIVITY.—The term “covered transportation activity” means the movement of people or property to, from, or within a launch site and the necessary or incidental activities associated with such movement, including through the use of—

(A) a vehicle;

(B) a vessel;

(C) a railroad (as defined in section 20102 of title 49, United States Code);

(D) an aircraft (as defined in section 40102 of title 49, United States Code);

(E) a pipeline facility (as defined in section 60101 of title 49, United States Code); or

(F) a launch vehicle or reentry vehicle.

(2) LAUNCH; LAUNCH SITE; LAUNCH VEHICLE; REENTRY SITE; REENTRY VEHICLE.—The terms “launch”, “launch site”, “launch vehicle”, “reentry site”, and “reentry vehicle” have the meanings given those terms in section 50902 of title 51, United States Code.

(3) OPERATOR.—The term “operator” means a person licensed by the Secretary to operate a launch or reentry site.

(4) QUALIFIED ENTITY.—The term “qualified entity” means a State, local, territorial, or Tribal government or private sector entity, or any combination thereof.

(h) PILOT PROGRAM SUNSET.—This section shall cease to be effective on October 1, 2028.

SEC. 683. AIRSPACE ACCESS FOR HIGH-SPEED AIRCRAFT.

(a) HIGH-SPEED AIRCRAFT TESTING.—Not later than 2 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in coordination with any other Federal agency the Administrator determines appropriate, shall ensure that there is a process in which manufacturers and operators of high-speed aircraft can engage in flight testing of such high-speed aircraft, which may include the establishment of high speed testing corridors in the national airspace system.

(b) STUDY ON HIGH-SPEED AIRCRAFT OPERATIONS.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall, after consultation with aircraft manufacturers, institutions of higher learning, the Administrator of the National Aeronautics and Space Administration, the Secretary of Defense, and any other agencies the Administrator determines appropriate, conduct a study to assess actions necessary to facilitate the safe operation and integration of high-speed aircraft into the national airspace system.

(2) CONTENTS.—In carrying out the study under paragraph (1), the Administrator shall—

(A) assess various altitudes and operating conditions of high-speed aircraft in Class E airspace above the upper boundary of Class A airspace and the resulting aircraft noise levels at the surface;

(B) include the development of a framework and timeline to establish the appropriate regulatory requirements to conducting high-speed aircraft flights;

(C) identify the data required to develop certification, flight standards, and air traffic requirements for the deployment and integration of high-speed aircraft;

(D) assess cross-agency equities related to high-speed aircraft technologies and flight; and

(E) survey global high-speed aircraft-related regulatory and testing developments or activities.

(3) **RECOMMENDATIONS.**—As part of the study under paragraph (1), the Administrator shall issue recommendations to update, if feasible, regulations for certification, flight standards and air traffic management.

(c) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under subsection (a), including the recommendations under subsection (b)(3), to facilitate the safe operation and integration of high-speed aircraft in the national airspace system.

(d) **STUDY AND RULEMAKING ON HIGH ALTITUDE CLASS E AIRSPACE FLIGHT OPERATIONS.**—

(1) **CONSULTATION.**—Not later than 12 months after the date of enactment of this Act, the Administrator, in consultation with the Administrator of the National Aeronautics and Space Administration and relevant stakeholders, including industry and academia, shall identify the minimum altitude above the upper boundary of Class A airspace at or above which flights operating with speeds above Mach 1 generate sonic booms that are inaudible at the surface under prevailing atmospheric conditions.

(2) **RULEMAKING.**—Not later than 2 years after the date on which the Administrator identifies the minimum altitude described in paragraph (1), the Administrator shall publish in the Federal Register a notice of proposed rulemaking to amend sections 91.817 and 91.818 of title 14, Code of Federal Regulations, and such other regulations as appropriate, to permit flight operations with speeds above Mach 1 at or above the minimum altitude identified under paragraph (1) without specific authorizations, provided that such flight operations—

(A) show compliance with airworthiness requirements;

(B) do not cause a measurable sonic boom over pressure to reach the surface; and

(C) have ordinary instrument flight rules clearances necessary to operate in controlled airspace.

(e) **DEFINITION.**—In this section, the term “high-speed aircraft” means an aircraft operating at speeds in excess of Mach 1, which shall include supersonic and hypersonic aircraft.

SEC. 684. ICAO ACTIVITIES ON NEW TECHNOLOGIES.

(a) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall prioritize engagement with the International Civil Aviation Organization and contribute to or lead the development of international standards and recommended practices to improve aviation safety and support the entry-into-service of new forms of aviation.

(b) **PARTICULAR ACTIVITIES.**—In carrying out subsection (a), the Administrator shall contribute to or lead International Civil Aviation Organization efforts with respect to the development of landing and take-off noise standards for supersonic aircraft.

SEC. 685. AIP ELIGIBILITY FOR CERTAIN SPACEPORT INFRASTRUCTURE.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary of Transportation may make a grant under subchapter I of chapter 471 of title 49, United States Code, to an airport sponsor to reconstruct, repave, or rehabilitate the full length and width of a runway existing on the date of enactment of this Act if—

(1) the runway is at an airport that is also a launch site or reentry site operated by a person certified under section 50905 of title 51, United States Code;

(2) the runway is greater than 12,000 feet long and not less than 200 feet wide; and

(3) the airport sponsor certifies to the Secretary that the full length and width of the runway is required to support activities at the launch site.

(b) **SUNSET.**—This section shall cease to be effective on September 30, 2028.

SEC. 686. COMMERCIAL SPACE TRANSPORTATION STATISTICS.

Section 329(b) of title 49, United States Code, is amended—

(1) in paragraph (2) by striking “aeronautical” and inserting “aerospace”;

(2) in paragraph (3) by striking “civil aeronautics” and inserting “civil aerospace”;

(3) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(4) by inserting after paragraph (1) the following:

“(2) collect and disseminate information on commercial space transportation operations (other than that collected and disseminated by the National Transportation Safety Board under chapter 11) including, at a minimum, information on the number of launches or reentries licensed by the Secretary, the number of space flight participants, the number of payloads, and the mass of payloads, organized by class of orbit;”

SEC. 687. REPORT ON CERTAIN INFRASTRUCTURE NEEDS.

Not later than 120 days after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the infrastructure needs at Federal Aviation Administration-licensed horizontal and vertical launch sites located in rural communities.

SEC. 688. AIRSPACE INTEGRATION FOR SPACE LAUNCH AND REENTRY.

(a) SENSE OF CONGRESS.—It is the Sense of Congress that—

(1) a safe and efficient national airspace system that successfully supports existing users and integrates new entrants is of the utmost importance;

(2) both commercial aviation and space launch and reentry operations are vital to United States global leadership, national security, and economic opportunity;

(3) aircraft hazard areas are necessary during space launch and reentry operations to ensure public safety; and

(4) the Administrator of Federal Aviation Administration should prioritize the development and deployment of technologies to improve visibility of space launch and reentry operations within Administration computer systems and minimize operational workload to air traffic controllers associated with routing traffic during spaceflight launch and reentry operations.

(b) SPACE LAUNCH AND REENTRY AIRSPACE INTEGRATION TECHNOLOGY.—There is authorized to be appropriated \$10,000,000 for each of the fiscal years 2024 through 2028, or until such time as the Administrator determines that the project has reached an operational status, for the Administrator to expedite the development, acquisition, and deployment of technologies or capabilities to aid in space launch and reentry integration, which may include technologies recommended by the Airspace Access Priorities Aviation Rulemaking Committee in 2019, systems to enable the integration of launch and reentry data directly onto air traffic controller displays, and automated systems to enable near real-time planning and dynamic re-routing of commercial aircraft during and following commercial space launch and reentry operations, with the objective of operational readiness not later than December 31, 2026.

TITLE VII—PASSENGER EXPERIENCE IMPROVEMENTS

Subtitle A—General Provisions

SEC. 701. ADVERTISEMENTS AND SOLICITATIONS FOR PASSENGER AIR TRANSPORTATION.

(a) FULL FARE ADVERTISING.—Section 41712 of title 49, United States Code, is further amended by adding at the end the following:

“(e) FULL FARE ADVERTISING.—

“(1) IN GENERAL.—It shall not be an unfair or deceptive practice under subsection (a) for a covered entity to state in an advertisement or solicitation for passenger air transportation the base airfare for such air transportation if the covered entity clearly and separately discloses—

“(A) the government-imposed taxes and fees associated with the air transportation; and

“(B) the total cost of the air transportation.

“(2) FORM OF DISCLOSURE.—

“(A) IN GENERAL.—For purposes of paragraph (1), the information described in paragraphs (1)(A) and (1)(B) shall be disclosed in the advertise-

ment or solicitation in a manner that clearly presents the information to the consumer.

“(B) INTERNET ADVERTISEMENTS AND SOLICITATIONS.—For purposes of paragraph (1), with respect to an advertisement or solicitation for passenger air transportation that appears on a website, the information described in paragraphs (1)(A) and (1)(B) may be disclosed through a link or pop-up, as such terms may be defined by the Secretary, in a manner that is easily accessible and viewable by the consumer.

“(3) DEFINITIONS.—In this subsection:

“(A) BASE AIRFARE.—The term ‘base airfare’ means the cost of passenger air transportation, excluding government-imposed taxes and fees.

“(B) COVERED ENTITY.—The term ‘covered entity’ means an air carrier, including an indirect air carrier, foreign carrier, ticket agent, or other person offering to sell tickets for passenger air transportation or a tour, or tour component, that must be purchased with air transportation.”

(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in the amendment made by subsection (b) may be construed to affect any obligation of a person that sells passenger air transportation to disclose the total cost of such air transportation, including government-imposed taxes and fees, prior to purchase of such air transportation.

(c) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue final regulations to carry out the amendment made by subsection (a).

(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to limit or otherwise affect the authority of the Secretary to regulate the disclosure of air carrier-imposed fees, or alter the requirements under part 399 of title 14, Code of Federal Regulations, as such part relates to air carrier-imposed fees.

(e) EFFECTIVE DATE.—This section, and the amendment made by this section, shall take effect on the date that is 180 days after the date of enactment of this Act.

SEC. 702. MODERNIZATION OF CONSUMER COMPLAINT SUBMISSIONS.

Section 42302 of title 49, United States Code, is amended to read as follows:

“§ 42302. Consumer complaints

“(a) IN GENERAL.—The Secretary of Transportation shall—

“(1) maintain an accessible website through the Office of Aviation Consumer Protection to accept the submission of complaints from airline passengers regarding air travel service problems; and

“(2) take appropriate actions to notify the public of such accessible website.

“(b) NOTICE TO PASSENGERS ON THE INTERNET.—An air carrier or foreign air carrier providing scheduled air transportation using any aircraft that as originally designed has a passenger capacity of 30 or more passenger seats shall include on the accessible website of the carrier—

“(1) the accessible website, e-mail address, or telephone number of the air carrier for the submission of complaints by passengers about air travel service problems; and

“(2) the accessible website maintained pursuant to subsection (a).

“(c) USE OF ADDITIONAL OR ALTERNATIVE TECHNOLOGIES.—The Secretary shall periodically evaluate the benefits of using mobile phone applications or other widely used technologies to—

“(1) provide additional or alternative means for air passengers to submit complaints; and

“(2) provide such additional or alternative means as the Secretary determines appropriate.

“(d) AIR AMBULANCE PROVIDERS.—Each air ambulance provider shall include the accessible website, or a link to such accessible website, maintained pursuant to subsection (a) and the contact information for the Aviation Consumer Advocate established by section 424 of the FAA Reauthorization Act of 2018 (49 U.S.C. 42302 note) on—

“(1) any invoice, bill, or other communication provided to a passenger or customer of such provider; and

“(2) the accessible website and any related mobile device application of such provider.”

SEC. 703. CODIFICATION OF CONSUMER PROTECTION PROVISIONS.

(a) PASSENGER RIGHTS.—Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end the following:

“§ 41727. Passenger rights

“(a) GUIDELINES.—The Secretary of Transportation shall require each air carrier and foreign air carrier to submit a summarized 1-page document that describes the rights of passengers in air transportation, including guidelines for the following:

“(1) Compensation (regarding rebooking options, refunds, meals, and lodging) for flight delays of various lengths.

“(2) Compensation (regarding rebooking options, refunds, meals, and lodging) for flight diversions.

“(3) Compensation (regarding rebooking options, refunds, meals, and lodging) for flight cancellations.

“(4) Compensation for mishandled baggage, wheelchairs, mobility aids and other assistive devices, including delayed, damaged, pilfered, or lost baggage, wheelchairs, mobility aids and other assistive devices.

“(5) Voluntary relinquishment of a ticketed seat due to overbooking or priority of other passengers.

“(6) Involuntary denial of boarding and forced removal for whatever reason, including for safety and security reasons.

“(b) FILING OF SUMMARIZED GUIDELINES.—Not later than 90 days after each air carrier and foreign air carrier submits the 1-page document to the Secretary under subsection (a), each such air carrier and foreign air carrier shall make available such 1-page document in a prominent location on its website.”

(b) AIRLINE PASSENGERS WITH DISABILITIES BILL OF RIGHTS.—Subchapter I of chapter 417 of title 49, United States Code, is further amended by adding at the end the following:

“§ 41728. Airline passengers with disabilities bill of rights

“(a) AIRLINE PASSENGERS WITH DISABILITIES BILL OF RIGHTS.—The Secretary of Transportation shall develop a document, to be known as the ‘Airline Passengers with Disabilities Bill of Rights’, using plain language to describe the basic protections and responsibilities of air carriers and foreign air carriers, their employees and contractors, and people with disabilities under section 41705.

“(b) CONTENT.—In developing the Airline Passengers with Disabilities Bill of Rights under subsection (a), the Secretary shall include, at a minimum, plain language descriptions of protections and responsibilities provided in law related to the following:

“(1) The right of passengers with disabilities to be treated with dignity and respect.

“(2) The right of passengers with disabilities to receive timely assistance, if requested, from properly trained air carrier, foreign air carrier, and contractor personnel.

“(3) The right of passengers with disabilities to travel with wheelchairs, mobility aids, and other assistive devices, including necessary medications and medical supplies, including stowage of such wheelchairs, aids, and devices.

“(4) The right of passengers with disabilities to receive seating accommodations, if requested, to accommodate a disability

“(5) The right of passengers with disabilities to receive announcements in an accessible format.

“(6) The right of passengers with disabilities to speak with a complaint resolution officer or to file a complaint with an air carrier, a foreign air carrier, or the Department of Transportation.

“(c) RULE OF CONSTRUCTION.—The development of the Airline Passengers with Disabilities Bill of Rights under subsections (a) and (b) shall not be construed as expanding or restricting the rights available to passengers with disabilities on the day before the date of the enactment of the FAA Reauthorization Act of 2018 (Public Law 115–254) pursuant to any statute or regulation.

“(d) CONSULTATIONS.—In developing the Airline Passengers with Disabilities Bill of Rights under subsection (a), the Secretary shall consult with stakeholders, including disability organizations and air carriers, foreign air carriers, and their contractors.

“(e) DISPLAY.—Each air carrier and foreign air carrier shall include the Airline Passengers with Disabilities Bill of Rights—

“(1) on a publicly available internet website of the carrier; and

“(2) in any pre-flight notifications or communications provided to passengers who alert the carrier in advance of the need for accommodations relating to a disability.

“(f) TRAINING.—

“(1) IN GENERAL.—Air carriers, foreign air carriers, and contractors of such carriers shall submit to the Secretary plans that ensure that employees of such

carriers and their contractors receive training on the protections and responsibilities described in the Airline Passengers with Disabilities Bill of Rights.

“(2) REVIEW.—The Secretary shall review such plans to ensure the plans address the matters described in subsection (b).”.

(c) CONFORMING AMENDMENTS.—The analysis for chapter 417 of title 49, United States Code, is amended by inserting after the item relating to section 41726 the following:

“41727. Passenger rights.

“41728. Airline passengers with disabilities bill of rights.”.

(d) CONFORMING REPEALS.—Sections 429 and 434 of the FAA Reauthorization Act of 2018 (49 U.S.C. 42301 note; 41705 note) and the item relating to such sections in the table of contents in section 1(b) of such Act are repealed.

SEC. 704. EXTENSION OF AVIATION CONSUMER PROTECTION ADVISORY COMMITTEE.

Section 411 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 42301 note) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the following:

“(3) ticket agents and travel management companies;”, and

(2) in subsection (h) by striking “2023” and inserting “2028”; and

SEC. 705. REMOVAL OF OUTDATED REFERENCES TO PASSENGERS WITH DISABILITIES.

(a) SOVEREIGNTY AND USE OF AIRSPACE.—Section 40103(a)(2) of title 49, United States Code, is amended by striking “handicapped individuals” and inserting “individuals with disabilities”.

(b) SPECIAL PRICES FOR FOREIGN AIR TRANSPORTATION.—Section 41511(b)(4) of title 49, United States Code, is amended by striking “handicap” and inserting “disability”.

(c) DISCRIMINATION AGAINST INDIVIDUALS WITH DISABILITIES.—Section 41705 of title 49, United States Code, is amended in the heading by striking “**handicapped individuals**” and inserting “**individuals with disabilities**”.

(d) CLERICAL AMENDMENT.—The analysis for chapter 417 of title 49, United States Code, is amended by striking the item relating to section 41705 and inserting the following:

“41705. Discrimination against individuals with disabilities.”.

SEC. 706. EXTENSION OF AVIATION CONSUMER ADVOCATE REPORTING REQUIREMENT.

Section 424(e) of the FAA Reauthorization Act of 2018 (49 U.S.C. 42302 note) is amended by striking “2023” and inserting “2028”.

SEC. 707. AIR CARRIER ACCESS ACT ADVISORY COMMITTEE.

(a) IN GENERAL.—Section 439 of the FAA Reauthorization Act of 2018 (49 U.S.C. 41705 note) is amended—

(1) in the section heading by striking “**ADVISORY COMMITTEE ON THE AIR TRAVEL NEEDS OF PASSENGERS WITH DISABILITIES**” and inserting “**AIR CARRIER ACCESS ACT ADVISORY COMMITTEE**”; and

(2) in subsection (c)(1) by striking subparagraph (G) and inserting the following:

“(G) Manufacturers of wheelchairs, including powered wheelchairs, and other mobility aids.”; and

(3) in subsection (g) by striking “2023” and inserting “2028”.

(b) CONFORMING AMENDMENT.—Section 1(b) of the FAA Reauthorization Act of 2018 (Public Law 115–254) is amended by striking the item relating to section 439 and inserting the following:

“Sec. 439. Air Carrier Access Act advisory committee.”.

SEC. 708. PASSENGER EXPERIENCE ADVISORY COMMITTEE.

(a) IN GENERAL.—The Secretary of Transportation shall establish an advisory committee to advise the Secretary and the Administrator of the Federal Aviation Administration in carrying out activities relating to the improvement of the passenger experience in air transportation customer service.

(b) MEMBERSHIP.—The Secretary shall appoint the members of the advisory committee, which shall be comprised of at least 1 representative of each of—

(1) mainline air carriers;

(2) air carriers with a low-cost or ultra-low-cost business model;

(3) regional air carriers;

(4) large hub airport sponsors and operators;

(5) medium hub airport sponsors and operators;

- (6) small hub airport sponsors and operators;
 - (7) nonhub airport sponsors and operators;
 - (8) ticket agents;
 - (9) representatives of intermodal transportation companies that operate at airports;
 - (10) airport concessionaires;
 - (11) nonprofit public interest groups with expertise in consumer protection matters;
 - (12) senior managers of the Administration's Air Traffic Organization;
 - (13) aircraft manufacturers;
 - (14) entities representing individuals with disabilities;
 - (15) certified labor organizations representing aviation workers, including—
 - (A) Federal Aviation Administration employees;
 - (B) airline pilots working for air carriers operating under part 121 of title 14, Code of Federal Regulations;
 - (C) flight attendants working for air carriers operating under part 121 of title 14, Code of Federal Regulations; and
 - (D) other customer facing airline and airport workers;
 - (16) other organizations or industry segments as determined by the Secretary; and
 - (17) other Federal agencies that directly interface with passengers at airports.
- (c) VACANCIES.—A vacancy in the advisory committee under this section shall be filled in a manner consistent with subsection (b).
- (d) TRAVEL EXPENSES.—Members of the advisory committee under this section shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.
- (e) CHAIR.—The Secretary shall designate an individual among the individuals appointed under subsection (b) to serve as Chair of the advisory committee.
- (f) DUTIES.—The duties of the advisory committee shall include—
- (1) evaluating ways to improve the comprehensive passenger experience, including—
 - (A) transportation between airport terminals and facilities;
 - (B) baggage handling;
 - (C) wayfinding;
 - (D) the security screening process; and
 - (E) the communication of flight delays and cancellations;
 - (2) evaluating ways to improve efficiency in the national airspace system affecting passengers;
 - (3) evaluating ways to improve the cooperation and coordination between the Department of Transportation and other Federal agencies that directly interface with aviation passengers at airports;
 - (4) responding to other taskings determined by the Secretary; and
 - (5) providing recommendations to the Secretary and the Administrator, if determined necessary during the evaluations considered in paragraphs (1) through (4).
- (g) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter, the Secretary shall submit to Congress a report containing—
- (1) consensus recommendations made by the advisory committee since such date of enactment or the previous report, as appropriate; and
 - (2) an explanation of how the Secretary has implemented such recommendations and, for such recommendations not implemented, the Secretary's reason for not implementing such recommendation.
- (h) DEFINITION.—The definitions in section 40102 of title 49, United States Code, shall apply to this section.
- (i) SUNSET.—This section shall cease to be effective on October 1, 2028.
- (j) TERMINATION OF DOT ACCESS ADVISORY COMMITTEE.—The ACCESS Advisory Committee of the Department of Transportation shall terminate on the date of enactment of this Act.

SEC. 709. STREAMLINING OF OFFLINE TICKET DISCLOSURES.

- (a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall take such action as may be necessary to update the process by which an air carrier or ticket agent is required to fulfill disclosure obligations in ticketing transactions for air transportation not completed through a website.
- (b) REQUIREMENTS.—The process updated under subsection (a) shall—

(1) include means of referral to the applicable air carrier website with respect to disclosures related to air carrier optional fees and policies;

(2) include a means of referral to the website of the Department of Transportation with respect to any other required disclosures to air transportation passengers;

(3) make no changes to air carrier or ticket agent obligations with respect to—
 (A) section 41712(c) of title 49, United States Code; or
 (B) subsections (a) and (b) of section 399.84 of title 14, Code of Federal Regulations (or any successor regulations); and

(4) require disclosures referred to in paragraphs (1) and (2) to be made in the manner existing prior to the date of enactment of this Act upon passenger request.

(c) AIR CARRIER DEFINED.—In this section, the term “air carrier” has the meaning given such term in section 40102(a) of title 49, United States Code.

SEC. 710. TICKET AGENT REFUND OBLIGATIONS.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall issue a final rule to revise section 399.80 of title 14, Code of Federal Regulations, to clarify the refund obligations of ticket agents.

(b) CONDITIONS.—In issuing the final rule under subsection (a), the Secretary shall clarify that a ticket agent shall provide a refund only when such ticket agent possesses, or has access to, the funds of a passenger.

(c) DEFINITIONS.—In this section, the term “ticket agent” has the meaning given such term in section 40102(a) of title 49, United States Code.

SEC. 711. UPDATING PASSENGER INFORMATION REQUIREMENT REGULATIONS.

(a) ARAC TASKING.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall task the Aviation Rulemaking Advisory Committee with—

(1) reviewing passenger information requirement regulations under section 121.317 of title 14, Code of Federal Regulation, and such other related regulations as the Administrator determines appropriate; and

(2) making recommendations to update and improve such regulations.

(b) FINAL REGULATION.—Not later than 6 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a final regulation revising section 121.317 of title 14, Code of Federal Regulations, and such other related regulations as the Administrator determines appropriate, to—

(1) update such section and regulations to incorporate exemptions commonly issued by the Administrator;

(2) reflect civil penalty inflation adjustments; and

(3) incorporate such updates and improvements recommended by the Aviation Rulemaking Advisory Committee that the Administrator determines appropriate.

SEC. 712. MOBILITY AIDS ON BOARD IMPROVE LIVES AND EMPOWER ALL.

(a) PUBLICATION OF CARGO HOLD DIMENSIONS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall require air carriers to publish on a prominent and easily accessible place on the public website of the air carrier, information describing the relevant dimensions and other characteristics of the cargo holds of all aircraft types operated by the air carrier, including the dimensions of the cargo hold entry, that would limit the size, weight, and allowable type of cargo available.

(2) PROPRIETARY INFORMATION.—The Secretary shall allow an air carrier to protect the confidentiality of any trade secret or proprietary information submitted in accordance with paragraph (1), as appropriate.

(b) REFUND REQUIRED FOR INDIVIDUAL TRAVELING WITH WHEELCHAIR.—In the case of a qualified individual with a disability traveling with a wheelchair who has purchased a ticket for a flight from an air carrier, but who cannot travel on the aircraft for such flight because the wheelchair of such qualified individual cannot be physically accommodated in the cargo hold of the aircraft, the Secretary shall require such air carrier to offer a refund to such qualified individual of any previously paid fares, fees, and taxes applicable to such flight.

(c) EVALUATION OF DATA REGARDING DAMAGED WHEELCHAIRS.—Not later than 12 months after the date of enactment of this Act, and annually thereafter, the Secretary shall—

(1) evaluate data regarding the type and frequency of incidents of the mishandling of wheelchairs on aircraft and delineate such data by—

(A) types of wheelchairs involved in such incidents; and

- (B) the ways in which wheelchairs are mishandled, including the type of damage to wheelchairs (such as broken drive wheels or casters, bent or broken frames, damage to electrical connectors or wires, control input devices, joysticks, upholstery or other components, loss, or delay of return);
- (2) determine whether there are trends with respect to the data evaluated under paragraph (1); and
- (3) make available on the public website of the Department of Transportation, in an accessible manner, a report containing the results of the evaluation of data and determination made under paragraphs (1) and (2) and a description of how the Secretary plans to address such results.
- (d) FEASIBILITY OF IN-CABIN WHEELCHAIR RESTRAINT SYSTEMS.—
- (1) ROADMAP.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a publicly available strategic roadmap that describes how the Department of Transportation and the United States Access Board, respectively, shall, in accordance with the recommendations from the National Academies of Science, Engineering, and Mathematics Transportation Research Board Special Report 341—
- (A) establish a program of research, in collaboration with the Rehabilitation Engineering and Assistive Technology Society of North America, the assistive technology industry, air carriers, original equipment manufacturers, national disability and disabled veterans organizations, and any other relevant stakeholders, to test and evaluate an appropriate selection of WC19-compliant wheelchairs and accessories in accordance with applicable Federal Aviation Administration crashworthiness and safety performance criteria, including the issues and considerations set forth in such Special Report 341; and
- (B) sponsor studies that assess issues and considerations, including those set forth in such Special Report 341, such as—
- (i) the likely demand for air travel by individuals who are non-ambulatory if such individuals could remain seated in their personal wheelchairs in flight; and
- (ii) the feasibility of implementing seating arrangements that would accommodate passengers in wheelchairs in the main cabin in flight.
- (2) STUDY.—If determined to be technically feasible by the Secretary, not later than 2 years after making such determination, the Secretary shall commence a study to assess the economic and financial feasibility of air carriers and foreign air carriers implementing seating arrangements that accommodate passengers with wheelchairs (including power wheelchairs, manual wheelchairs, and scooters) in the main cabin during flight. Such study shall include an assessment of—
- (A) the cost of such seating arrangements, equipment, and installation;
- (B) the demand for such seating arrangements;
- (C) the impact of such seating arrangements on passenger seating and safety on aircraft;
- (D) the impact of such seating arrangements on the cost of operations and airfare; and
- (E) any other information determined appropriate by the Secretary.
- (3) REPORT.—Not later than 1 year after the date on which the study under paragraph (2) is completed, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a publicly available report describing the results of the study conducted under paragraph (2), together with any recommendations the Secretary determines appropriate.
- (e) DEFINITIONS.—In this section:
- (1) AIR CARRIER.—The term “air carrier” has the meaning given such term in section 40102 of title 49, United States Code.
- (2) DISABILITY; QUALIFIED INDIVIDUAL WITH A DISABILITY.—The terms “disability” and “qualified individual with a disability” have the meanings given such terms in section 382.3 of title 14, Code of Federal Regulations (as in effect on date of enactment of this Act).
- (3) WHEELCHAIR.—The term “wheelchair” has the meaning given such term in section 37.3 of title 49, Code of Federal Regulations (as in effect on date of enactment of this Act), including power wheelchairs, manual wheelchairs, and scooters.

SEC. 713. PRIORITIZING ACCOUNTABILITY AND ACCESSIBILITY FOR AVIATION CONSUMERS.

(a) **ANNUAL REPORT.**—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Transportation shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on disability-related aviation consumer complaints filed with the Department of Transportation, and shall make each annual report publicly available.

(b) **SCOPE OF REPORT.**—In each report required under subsection (a), the Secretary shall include, at minimum, a description of the following:

(1) The number of disability-related aviation consumer complaints filed with the Department of Transportation during the calendar year preceding the year in which such report is submitted.

(2) The nature of such complaints, such as reported issues with—

(A) an air carrier;

(B) mishandling of passengers with a disability, including mishandling of a wheelchair, mobility aid, or other accessibility equipment of a passenger by an air carrier;

(C) the condition or availability of accessibility equipment or materials operated by an air carrier;

(D) the accessibility of in-flight services, including accessing and utilizing onboard lavatories, for passengers with a disability;

(E) difficulties experienced by passengers with a disability in communicating with an air carrier employee;

(F) difficulties experienced by passengers with a disability in being moved, handled, or otherwise assisted;

(G) an air carrier changing the flight itinerary of a passenger with a disability without the consent of such passenger;

(H) difficulties experienced by passengers with a disability traveling with a service animal; and

(I) any other issues the Secretary of Transportation determines appropriate.

(3) The review process for such complaints.

(4) The average amount of days before the Department initiated a formal review of such complaints.

(5) The average amount of days until such complaints were resolved by the Department.

(6) The number of such complaints that resulted in dismissal, a civil monetary penalty, or other injunctive relief.

(7) Of the complaints that were found to violate section 41705 of title 49, United States Code—

(A) the number of such complaints for which a formal enforcement order was issued; and

(B) the number of such complaints for which a formal enforcement order was not issued.

(8) The number of disability-related aviation consumer complaints filed with the Department of Transportation involving airport staff or other matters under the jurisdiction of the Federal Aviation Administration that were referred to the Federal Aviation Administration.

(9) The number of disability-related aviation consumer complaints filed with the Department of Transportation involving Transportation Security Administration staff that were referred to the Transportation Security Administration or the Department of Homeland Security.

(c) **REPORT TO CONGRESS.**—The Secretary shall submit annually to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the report required under subsection (a).

(d) **DEFINITIONS.**—In this section:

(1) **IN GENERAL.**—Except as otherwise provided, the terms used in this section have the meanings given such terms in section 40102 of title 49, United States Code, or section 382.3 of title 14, Code of Federal Regulations, as applicable.

(2) **AIR CARRIER.**—The term “air carrier” means an air carrier conducting passenger operations under part 121 of title 14, Code of Federal Regulations.

(3) **PASSENGER WITH A DISABILITY.**—The term “passenger with a disability” has the meaning given the term “qualified individual with a disability” in section 382.3 of title 14, Code of Federal Regulations.

SEC. 714. AIRCRAFT ACCESSIBILITY.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a program to study and evaluate improvements to transport category aircraft accessibility, including—

(1) determining whether and, if so, how personal wheelchairs, including manual and powered wheelchairs, can be safely secured in the passenger seating areas of an aircraft certificated under part 25 of title 14, Code of Federal Regulations;

(2) considering the safe evacuation processes for such aircraft, including individuals who use manual and powered wheelchairs; and

(3) determining how various types or aircraft described in paragraph (1) can safely and efficiently be retrofitted for accessible lavatories.

(b) **REPORT AND RECOMMENDATIONS.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of the study and evaluation described in subsection (a) and recommendations to address the findings of such study and evaluation.

SEC. 715. ACCESSIBILITY OF WEBSITES, SOFTWARE APPLICATIONS, AND KIOSKS FOR INDIVIDUALS WITH DISABILITIES.

Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall, in direct consultation with the United States Architectural and Transportation Barriers Compliance Board, prescribe regulations setting forth minimum standards to ensure that individuals with disabilities are able to access kiosks, software applications, and websites in a manner that is equally as effective as individuals without disabilities, with a substantially equivalent ease of use. Such standards shall be consistent with the standards set forth in the Web Content Accessibility Guidelines 2.1 Level AA of the Web Accessibility Initiative of the World Wide Web Consortium or any subsequent version.

SEC. 716. REVIEW OF METHODS TO REPORT FLIGHT DELAY AND CANCELLATION STATISTICS.

(a) **IN GENERAL.**—No later than 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Administrator of the Federal Aviation Administration, shall conduct a review of the means of reporting flight delay and cancellation statistics to the Secretary and the accuracy of such data.

(b) **COORDINATION REQUIREMENT.**—In conducting the review required in paragraph (1), the Secretary shall coordinate and collaborate with air carriers (as such term is defined in section 40102 of title 49, United States Code) to assist in conducting the review and providing recommendations on improving the means of reporting flight delay and cancellation statistics to the Secretary and the accuracy of such data.

SEC. 717. REIMBURSEMENT FOR INCURRED COSTS.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall direct all air carriers providing scheduled passenger interstate or intrastate air transportation to establish policies regarding reimbursement for lodging, transportation between such lodging and the airport, and meal costs incurred due to a flight cancellation or significant delay directly attributable to the air carrier.

(b) **DEFINITION OF SIGNIFICANTLY DELAYED.**—In this section, the term “significantly delayed” means, with respect to air transportation, the departure or arrival at the originally ticketed destination associated with such transportation has changed—

(1) in the case of air transportation within the United States, by 3 or more hours; or

(2) in the case of air transportation to or from a location outside the United States, by 6 or more hours.

SEC. 718. AIRLINE OPERATIONAL RESILIENCY PLANS.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall require a covered carrier to develop and regularly update an operational resiliency strategy to prevent or limit the impact of future flight disruptions on passengers.

(b) **OPERATIONAL RESILIENCY STRATEGY.**—In each operational resiliency strategy developed under subsection (a), a covered carrier shall include a description of—

(1) the potential impact of severe weather and other reasonably anticipated disruptive events on the operations of the carrier and how the carrier seeks to prevent or limit the impact of such events on passengers;

(2) the potential impact of severe weather events and other reasonably anticipated disruptive events on—

- (A) staffing models and the preparedness of the current workforce of the carrier to address such conditions; and
 - (B) the current information and technology systems of the carrier, including crew scheduling systems, and the preparedness of such systems to continue operations after such an event or disruption;
 - (3) the preparedness of the carrier to maintain operations and limit or prevent the impact of other potential disruptive events identified by the carrier;
 - (4) the extent to which the carrier addresses known cybersecurity risks to prevent potential flight disruptions; and
 - (5) any other issues the Secretary determines appropriate to protect consumers and maintain the operational stability of the airline industry.
- (c) PROPRIETARY INFORMATION.—The Secretary shall develop a method to protect the confidentiality of any trade secret or proprietary information submitted in an operational resiliency strategy under subsection (b).
- (d) EVALUATION.—
- (1) AUDIT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall initiate an audit to evaluate the effectiveness of the operational resiliency strategies developed under this section by covered air carriers.
 - (2) REPORT.—Not later than 1 year after completion of the audit conducted under paragraph (1), the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of the audit.
- (e) COVERED CARRIER.—In this section, the term “covered carrier” has the meaning given such term in section 259.3 of title 14, Code of Federal Regulations (or successor regulations).

SEC. 719. FAMILY SEATING.

- (a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall issue a notice of proposed rulemaking to establish a policy directing air carriers that assign seats, or allow individuals to select seats in advance of the date of departure of a flight, to sit each young child adjacent to an accompanying adult, to the greatest extent practicable, if adjacent seat assignments are available at any time after the ticket is issued for each young child and before the first passenger boards the flight.
- (b) PROHIBITION ON FEES.—The notice of proposed rulemaking described in subsection (a) shall include a provision that prohibits an air carrier from charging a fee, or imposing an additional cost beyond the ticket price of the additional seat, to seat each young child adjacent to an accompanying adult within the same class of service.
- (c) RULE OF CONSTRUCTION.—Notwithstanding the requirement in subsection (a), nothing in this section may be construed to allow the Secretary to impose a change in the overall seating or boarding policy of an air carrier that has an open or flexible seating policy in place that generally allows adjacent family seating as described under this section.
- (d) YOUNG CHILD.—In this section, the term “young child” means an individual who has not attained 14 years of age.

SEC. 720. SEAT DIMENSIONS.

Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

- (1) initiate a rulemaking activity based on the regulation described in section 577 of the FAA Reauthorization Act of 2018 (49 U.S.C. 42301 note); and
- (2) if the Administrator decides not to pursue the rulemaking described in paragraph (1), the Administrator shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the justification of such decision.

SEC. 721. IMPROVED TRAINING STANDARDS FOR ASSISTING PASSENGERS WHO USE WHEELCHAIRS.

- (a) RULEMAKING.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall issue a notice of proposed rulemaking to develop requirements for minimum training standards for airline personnel or contractors who assist wheelchair users who must board or deplane using an aisle chair or other boarding device.
- (b) REQUIREMENTS.—The training standards developed under subsection (a) shall require, at a minimum, that airline personnel or contractors who assist passengers

who use wheelchairs who must board or deplane using an aisle chair or other boarding device—

(1) complete refresher training within 18 months and be recertified on the job within 18 months by a superior in order to remain qualified for providing aisle chair assistance; and

(2) be able to successfully demonstrate each of following skills in hands-on training sessions before being allowed to board or deplane a passenger using an aisle chair or other boarding device:

(A) How to safely use the aisle chair, or other boarding device, including the use of all straps, brakes, and other safety features.

(B) How to assist in the transfer of passengers to and from their wheelchair, the aisle chair, and the aircraft's passenger seat, either by physically lifting the passenger or deploying a mechanical device for the lift or transfer.

(C) How to effectively communicate with, and take instruction from, the passenger.

(c) CONSIDERATIONS.—In conducting the rulemaking under subsection (a), the Secretary shall consider, at a minimum—

(1) whether to require air carriers and foreign air carriers to partner with national disability organizations and disabled veterans organizations representing individuals with disabilities who use wheelchairs and scooters in developing and reviewing training; and

(2) whether individuals able to provide boarding and deplaning assistance for passengers with limited or no mobility should receive training incorporating procedures from medical professionals on how to properly lift these passengers.

(d) FINAL RULE.—Not later than 12 months after the date of enactment of this Act, the Secretary shall issue a final rule pursuant to the rulemaking conducted under this section.

(e) PENALTIES.—The Secretary may assess a civil penalty in accordance with section 46301 of title 49, United States Code, to any air carrier or foreign air carrier who fails to meet the requirements established under the final rule under subsection (d).

SEC. 722. TRAINING STANDARDS FOR STOWAGE OF WHEELCHAIRS AND SCOOTERS.

(a) RULEMAKING.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall issue a notice of proposed rulemaking to develop minimum training standards related to stowage of wheelchairs and scooters used by passengers with disabilities on aircraft.

(b) REQUIREMENTS.—The training standards developed under subsection (a) shall require, at a minimum, that personnel and contractors of air carriers and foreign air carriers who stow wheelchairs and scooters on aircraft—

(1) complete refresher training within 18 months and be recertified on the job within 18 months by a superior in order to remain qualified for handling and stowing wheelchairs and scooters; and

(2) be able to successfully demonstrate the each of following skills in hands-on training sessions before being allowed to handle or stow a wheelchair or scooter:

(A) How to properly handle and configure, at a minimum on a common design for power and manual wheelchairs and scooters for stowage on each aircraft type operated by the air carrier or foreign air carrier.

(B) How to properly review any wheelchair or scooter information provided by the passenger or the wheelchair or scooter manufacturer.

(C) How to properly load, secure, and unload wheelchairs and scooters, including how to use any specialized equipment for loading or unloading, on each aircraft type operated by the air carrier or foreign air carrier.

(c) CONSIDERATIONS.—In conducting the rulemaking under subsection (a), the Secretary shall consider, at a minimum whether to require air carriers and foreign air carriers to partner with wheelchair or scooter manufacturers, national disability and disabled veterans organizations representing individuals who use wheelchairs and scooters, and aircraft manufacturers, in developing training.

(d) FINAL RULE.—Not later than 12 months after the date of enactment of this Act, the Secretary shall issue a final rule pursuant to the rulemaking conducted under this section.

(e) PENALTIES.—The Secretary may assess a civil penalty in accordance with section 46301 of title 49, United States Code, to any air carrier or foreign air carrier who fails to meet the requirements established under the final rule under subsection (d).

SEC. 723. INVESTIGATION OF COMPLAINTS.

Section 41705(c) of title 49, United States Code, is amended by striking paragraph (1), and inserting the following:

“(1) IN GENERAL.—The Secretary shall—

“(A) not later than 120 days after the receipt of any complaint of a violation of this section or a regulation prescribed under this section, investigate such complaint; and

“(B) provide, in writing, to the individual that filed the complaint and the air carrier or foreign air carrier alleged to have violated this section or a regulation prescribed under this section, the determination of the Secretary with respect to—

“(i) whether the air carrier or foreign air carrier violated this section or a regulation prescribed under this section;

“(ii) the facts underlying the complaint; and

“(iii) any action the Secretary is taking in response to the complaint.”.

SEC. 724. STANDARDS.

(a) AIRCRAFT ACCESS STANDARDS.—

(1) STANDARDS.—

(A) ADVANCE NOTICE OF PROPOSED RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue an advanced notice of proposed rulemaking regarding standards to ensure that the aircraft boarding and deplaning process is accessible, in terms of design for, transportation of, and communication with, individuals with disabilities, including individuals who use wheelchairs.

(B) NOTICE OF PROPOSED RULEMAKING.—Not later than 1 year after the date on which the advanced notice of proposed rulemaking under subparagraph (A) is completed, the Secretary shall issue a notice of proposed rulemaking regarding standards addressed in subparagraph (A).

(C) FINAL RULE.—Not later than 1 year after the date on which the notice of proposed rulemaking under subparagraph (B) is completed, the Secretary shall issue a final rule.

(2) COVERED AIRPORT, EQUIPMENT, AND FEATURES.—The standards prescribed under paragraph (1)(A) shall address, at a minimum—

(A) boarding and deplaning equipment;

(B) improved procedures to ensure the priority cabin stowage for manual assistive devices pursuant to section 382.67 of title 14, Code of Federal Regulations; and

(C) improved cargo hold storage to prevent damage to assistive devices.

(3) CONSULTATION.—For purposes of the rulemaking under this subsection, the Secretary shall consult with the Access Board and any other relevant department or agency to determine appropriate accessibility standards.

(b) IN-FLIGHT ENTERTAINMENT RULEMAKING.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall issue a notice of proposed rulemaking in accordance with the November 22, 2016, resolution of the Department of Transportation ACCESS Committee and the consensus recommendation set forth in the Term Sheet Reflecting Agreement of the Access Committee Regarding In-Flight Entertainment.

(c) NEGOTIATED RULEMAKING ON IN-CABIN WHEELCHAIR RESTRAINT SYSTEMS AND ENPLANING AND DEPLANING STANDARDS.—

(1) TIMING.—

(A) IN GENERAL.—Not later than 1 year after completion of the report required by section 712(d)(3), and if such report finds economic and financial feasibility of air carriers and foreign air carriers implementing seating arrangements that accommodate individuals with disabilities using wheelchairs (including power wheelchairs, manual wheelchairs, and scooters) in the main cabin during flight, the Secretary shall conduct a negotiated rulemaking on new type certificated aircraft standards for seating arrangements that accommodate such individuals in the main cabin during flight or an accessible route to a minimum of 2 aircraft passenger seats for passengers to access from personal assistive devices of such individuals.

(B) REQUIREMENT.—The negotiated rulemaking under subparagraph (A) shall include participation of representatives of—

(i) air carriers;

(ii) aircraft manufacturers;

(iii) national disability organizations;

(iv) aviation safety experts; and

(v) mobility aid manufacturers.

(2) NOTICE OF PROPOSED RULEMAKING.—Not later than 1 year after the completion of the negotiated rulemaking required under paragraph (1), the Secretary shall issue a notice of proposed rulemaking regarding the standards described in paragraph (1).

(3) FINAL RULE.—Not later than 1 year after the date on which the notice of proposed rulemaking under paragraph (2) is completed, the Secretary shall issue a final rule regarding the standards described in paragraph (1).

(4) CONSIDERATIONS.—In the negotiated rulemaking and rulemaking required under this subsection, the Secretary shall consider—

(A) a reasonable period for the design, certification, and construction of aircraft that meet the requirements;

(B) the safety of all persons on-board the aircraft, including necessary wheelchair standards and wheelchair compliance with Federal Aviation Administration crashworthiness and safety performance criteria; and

(C) the costs of design, installation, equipage, and aircraft capacity impacts, including partial fleet equipage and fare impacts.

(d) VISUAL AND TACTILELY ACCESSIBLE ANNOUNCEMENTS.—The Advisory Committee established under section 439(g) of the FAA Reauthorization Act of 2018 (49 U.S.C. 41705 note) shall examine technical solutions and the feasibility of visually and tactilely accessible announcements on-board aircraft.

(e) AIRPORT FACILITIES.—Not later than 2 years after the date of enactment of this Act, the Secretary shall, in direct consultation with the Access Board, prescribe regulations setting forth minimum standards under section 41705 of title 49, United States Code, that ensure all gates (including counters), ticketing areas, and customer service desks covered under such section at airports are accessible to and usable by all individuals with disabilities, including through the provision of visually and tactilely accessible announcements and full and equal access to aural communications.

(f) DEFINITIONS.—In this section:

(1) ACCESS BOARD.—The term “Access board” means the Architectural and Transportation Barriers Compliance Board.

(2) AIR CARRIER.—The term “air carrier” has the meaning given such term in section 40102 of title 49, United States Code.

(3) INDIVIDUAL WITH A DISABILITY.—The term “individual with a disability” has the meaning given such term in section 382.3 of title 14, Code of Federal Regulations.

(4) FOREIGN AIR CARRIER.—The term “foreign air carrier” has the meaning given such term in section 40102 of title 49, United States Code.

Subtitle B—Air Traffic

SEC. 741. TRANSFERS OF AIR TRAFFIC SYSTEMS ACQUIRED WITH AIP.

Section 44502(e) of title 49, United States Code, is amended—

(1) in paragraph (1) by inserting “in a noncontiguous State” after “An airport”;

(2) in paragraph (3)—

(A) in subparagraph (B) by striking “or” at the end;

(B) in subparagraph (C) by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(D) a Medium Intensity Approach Lighting System with Runway Alignment Indicator Lights.”; and

(3) by adding at the end the following:

“(4) EXCEPTION.—The requirement under paragraph (1) that an eligible air traffic system or equipment be purchased in part using a Government airport aid program, airport development aid program, or airport improvement project grant shall not apply if the system or equipment is installed at an airport that is categorized as a basic or local general aviation airport under the most recently published national plan of integrated airport systems under section 47103.”.

SEC. 742. NEXTGEN PROGRAMS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and periodically thereafter as the Administrator of the Federal Aviation Administration determines appropriate, the Administrator shall convene Administration officials to evaluate and expedite the implementation of NextGen programs and capabilities.

(b) NEXTGEN PROGRAM PRIORITIZATION.—In allocating amounts appropriated pursuant to section 48101(a) of title 49, United States Code, the Secretary of Transportation shall give priority to the following activities:

- (1) Performance-based navigation.
- (2) Data communications.
- (3) Terminal flight data manager.
- (4) Aeronautical information management.

(c) PERFORMANCE-BASED NAVIGATION.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Administrator shall fully implement performance-based navigation procedures for all terminal and enroute routes, including approach and departure procedures for covered airports.

(2) SPECIFIC PROCEDURES.—Pursuant to paragraph (1), the Administrator shall prioritize the following performance-based navigation procedures:

- (A) Trajectory-based operations.
- (B) Optimized profile descents.
- (C) Multiple airport route separation.
- (D) Established on required navigation performance.
- (E) Converging runway display aids.

(3) PERFORMANCE-BASED NAVIGATION BASELINE EQUIPAGE REQUIREMENTS.—In carrying out paragraph (1), the Administrator shall issue such regulations as may be required, and publish applicable advisory circulars, to establish the equipage baseline appropriate for aircraft to safely use performance-based navigation procedures.

(d) DATA COMMUNICATIONS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall fully implement the use of data communications.

(2) SPECIFIC CAPABILITIES.—In carrying out subsection (a) and this subsection, the Administrator shall prioritize the following data communications capabilities:

- (A) Ground-to-ground message exchange for surface aircraft operations and runway safety at airports.
- (B) Automated message generation and receipt.
- (C) Message routing and transmission.
- (D) Direct communications with aircraft avionics.
- (E) Implementation of data communications at all Air Route Traffic Control Centers.
- (F) The Future Air Navigation System.

(e) TERMINAL FLIGHT DATA MANAGER.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Administrator shall replace the traffic flow management system with the flow data management system at covered airports.

(2) ELECTRONIC FLIGHT STRIPS.—In carrying out paragraph (1), the Administrator shall implement electronic flight strips, at a minimum, at the air traffic control towers of covered airports and all terminal radar approach control and air route traffic control centers.

(f) AERONAUTICAL INFORMATION MANAGEMENT SYSTEMS.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Administrator shall fully modernize the aeronautical information management systems of the Federal Aviation Administration to improve the functionality, useability, durability, and reliability of such systems used in the national airspace system.

(2) REQUIREMENTS.—In carrying out paragraph (1), the Administrator shall—

- (A) improve the distribution of critical safety information to pilots, air traffic control, and other relevant aviation stakeholders;
- (B) fully develop and implement the Enterprise Information Display System; and
- (C) notwithstanding a centralized aeronautical information management system, restructure the back-up systems of aeronautical information management systems to be independent and self-sufficient from one another.

(g) EFFECT OF FAILURE TO MEET DEADLINE.—

(1) NOTIFICATION OF CONGRESS.—If the Administrator determines that the Administration has not or will not meet a deadline established under subsection (a), (c), (d), or (e), the Administrator shall, not later than 30 days after such determination, notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate about the failure to meet the target deadlines.

(2) CONTENTS OF NOTIFICATION.—A notification under paragraph (1) shall be accompanied by the following:

(A) An explanation as to why the agency will not or did not meet the target deadlines described in such paragraph.

(B) A description of the actions the Administration plans to take to meet the target deadlines described in such paragraph.

(3) BRIEFING.—If the Administrator is required to provide notice under paragraph (1), the Administrator shall provide the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate bimonthly, in-person briefings as to the progress made by the Administration regarding implementation under the respective subsection for which the target deadline will not or was not met until such time as the Administrator has completed the required work under such subsection.

(h) NEXTGEN ADVISORY COMMITTEE CONSULTATION.—

(1) IN GENERAL.—The Administrator shall consult and task the NextGen Advisory Committee with providing recommendations on ways to expedite, prioritize, and fully implement NextGen programs to realize the operational benefits of such programs.

(2) CONSIDERATIONS.—In providing recommendations under paragraph (1), the NextGen Advisory Committee shall consider—

(A) air traffic throughput of the national airspace system;

(B) daily operational performance, including delays and cancellations; and

(C) the potential need for performance-based operational metrics related to NextGen programs.

(i) SUNSET OF NEXTGEN BRAND.—

(1) IN GENERAL.— Not later than 3 years after the date of enactment of this Act, the Administrator shall terminate the use of the term “Next Generation Air Transportation System” or “NextGen” to describe any air traffic control modernization program of the Administration.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

(A) terminate any program of the Administration, including a program that has previously been represented as being a component of the Next Generation Air Transportation System or NextGen in budgetary submission or document of the Administration; or

(B) prohibit the Administrator from maintaining materials that relate to or reference programs that have previously been represented as being a component of the Next Generation Air Transportation System or NextGen.

(j) COVERED AIRPORTS DEFINED.—In this section, the term “covered airports” means the 40 airports in the United States with the highest number of annual aircraft operations, as of the date of enactment of this Act.

SEC. 743. AIRSPACE ACCESS.

(a) COALESCING AIRSPACE.—

(1) REVIEW OF NATIONAL AIRSPACE SYSTEM.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in coordination with the Secretary of Defense, shall conduct a comprehensive review of the airspace of the national airspace system, including special use airspace.

(2) STREAMLINING AND EXPEDITING ACCESS.—In carrying out paragraph (1), the Administrator shall identify methods to streamline, expedite, and provide greater flexibility of access to certain categories of airspace for users of the national airspace system who may not regularly have access to such airspace.

(b) REPORT.—

(1) IN GENERAL.—Not later than 3 months after the completion of review under subsection (a), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the findings of such review and any recommendations and proposed actions to improve access to airspace of the national airspace system for the users of such system.

(2) CONTENTS.—In the report submitted under paragraph (1), the Administrator shall include, at a minimum, the following:

(A) An identification of current challenges and barriers faced by airspace users in accessing certain categories of airspace, including special use airspace.

(B) An evaluation of existing procedures, regulations, and requirements that may impede or delay access to certain categories of airspace for certain users of the national airspace system.

(C) Recommendations for streamlining and expediting the airspace access process, including potential regulatory changes, technological advancements, and enhanced coordination among relevant stakeholders and Federal agencies.

(D) A proposal for implementing a flexible framework that allows for temporary access to certain categories of airspace, including special use airspace, by users of the national airspace system who do not have regular access to such airspace.

(E) An assessment of the impact airspace access improvements may have on safety, efficiency, and economic opportunities for airspace users, including—

- (i) military operators;
- (ii) commercial operators; and
- (iii) general aviation operators.

(3) IMPLEMENTATION AND FOLLOW-UP.—

(A) ACTION PLAN.—Based on the findings, recommendations, and proposals submitted in the report under this subsection, the Administrator shall develop an action plan for implementing any recommendations and proposals necessary to improve airspace access.

(B) COORDINATION AND COLLABORATION.—In developing the action plan under subparagraph (A), the Administrator shall coordinate with relevant stakeholders, including airspace users and the Secretary of Defense, to ensure—

- (i) effective implementation of the action plan; and
- (ii) ongoing collaboration in addressing airspace access challenges.

(C) PROGRESS REPORTS.—The Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate periodic progress reports in the form of briefings on the implementation of the action plan developed under this paragraph, including updates on the adoption of streamlined procedures, technological enhancements, and any regulatory changes necessary to improve airspace access and flexibility.

SEC. 744. AIRSPACE TRANSITION COMPLETION.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall ensure that responsibility for the Newark, New Jersey radar sector is moved to the Philadelphia terminal radar approach control facility.

(b) STAFFING.—In carrying out subsection (a), the Administrator may not—

(1) require the temporary or permanent movement of any personnel from the New York terminal radar approach control facility to the Philadelphia terminal radar approach control facility, but may solicit such personnel to volunteer to temporarily or permanently facilitate the move required under subsection (a); or

(2) reduce the target staffing level of the New York terminal radar approach control facility.

(c) CONGRESSIONAL BRIEFINGS.—Not later than 180 days after the date of enactment of this Act and every 60 days thereafter, the Administrator and the head of the collective bargaining unit representing air traffic controllers shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of the move required under subsection (a) until such time as the Newark, New Jersey radar sector is under the full responsibility of the Philadelphia terminal radar approach control facility.

SEC. 745. FAA CONTRACT TOWERS.

(a) OPERATIONAL READINESS INSPECTIONS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall update applicable regulations, standards, and guidance on operational readiness inspections related to the Federal Aviation Administration Contract Tower program to provide airport sponsors acting in good faith with 7 years to complete such inspections after receiving a benefit-to-cost ratio of air traffic control services for an airport.

(b) FCT CONTROLLER AIRSPACE AWARENESS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall authorize the use of advanced technology at Federal Aviation Administration contract towers to enhance air traffic controller situational awareness.

(2) EQUIPMENT STANDARDS.—In carrying out paragraph (1), the Administrator shall establish standards and criteria identical to such standards and criteria

applicable to Federal Aviation Administration air traffic controllers for the use of advanced technology in air traffic control towers.

(3) **RECURRENCE TRAINING.**—In carrying out this subsection, the Administrator, in coordination with Federal Aviation Administration contract tower contractors, shall establish an appropriate training program to periodically train air traffic controllers employed by such contractors to ensure proper integration and use of advanced technologies at Federal Aviation Administration contract towers.

(c) **LIABILITY INSURANCE.**—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation, in consultation with industry experts including Federal Aviation Administration contract tower contractors and aviation insurance providers, shall—

- (1) assess existing liability limits for contract tower contractors established by the Secretary; and
- (2) determine whether such limits should be updated.

SEC. 746. FAA CONTRACT TOWER WORKFORCE AUDIT.

(a) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the inspector general of the Department of Transportation shall initiate an audit of the workforce needs of the Federal Aviation Administration Contract Tower Program.

(b) **CONTENTS.**—In conducting the audit required under subsection (a), the inspector general shall, at a minimum—

(1) review the assumptions and methodologies used in assessing the source of Federal Aviation Administration contract towers staffing to determine the adequacy of staffing levels at such towers;

(2) determine whether there is a need to establish an air traffic controller training program to allow Federal Aviation Administration contract tower contractors to conduct—

- (A) initial training of air traffic controllers employed by such contractors;
- or

(B) on-the-job training of such controllers; and

(3) assess whether establishing pathways to allow Federal Aviation Administration contract tower contractors to use the air traffic technical training academy of the Federal Aviation Administration, or other means such as higher educational institutions, to provide initial technical training for air traffic controllers employed by such contractors could help address the workforce needs of the FAA contract tower program.

(c) **REPORT.**—Not later than 90 days after the completion of the audit under subsection (a), the inspector general shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of such audit and any recommendations as a result of such audit.

SEC. 747. AVIATION INFRASTRUCTURE SUSTAINMENT.

(a) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop performance metrics with which the Administrator can assess the operation of safety-critical communication, navigation, and surveillance aviation infrastructure within the national airspace system.

(b) **PERFORMANCE METRICS NECESSARY TO REMAIN IN SERVICE.**—

(1) **IN GENERAL.**—After developing the performance metrics under subsection (a), the Administrator shall carry out an assessment to determine which applicable aviation infrastructure are to remain in operational service.

(2) **CONSIDERATIONS.**—In making an assessment under paragraph (1), the Administrator shall take into consideration the following:

- (A) The expected lifespan of such aviation infrastructure.
- (B) The number and type of mechanical failures of such aviation infrastructure.
- (C) The average annual costs of maintaining such aviation infrastructure over a 5-year timespan and whether such costs exceed the amount to replace such aviation infrastructure.
- (D) The availability of replacement parts or labor capable of maintaining such aviation infrastructure.
- (E) Any other factors the Administrator determines are necessary.

(c) **PUBLICATION.**—The Administrator shall make the performance metrics established under subsection (b) available to the public through the website of the Administration, or other appropriate methods of publication, and shall ensure that any information made available to the public under this subsection is made available in a manner that—

- (1) does not provide identifying information regarding an individual or entity;
- (2) prevents inappropriate disclosure of proprietary information; and
- (3) does not disclose information that may pose a cybersecurity risk.

SEC. 748. AIR TRAFFIC CONTROL TOWER SAFETY.

In designing, adopting a design, or constructing an air traffic control tower based on a previously adopted design, the Administrator of the Federal Aviation Administration shall ensure that the safety of the national airspace system, the safety of employees of the Administration, the operational reliability of air traffic control towers, and the costs of such towers are the primary consideration in such design, adoption, or construction.

SEC. 749. AIR TRAFFIC SERVICES DATA REPORTS.

Section 45303(g) of title 49, United States Code, is amended—

- (1) in paragraph (2)(A) by striking “8 years” and inserting “14 years”; and
- (2) in paragraph (3)(A) by adding at the end the following:
 - “(xvi) Operators of commercial space transportation launch and re-entry vehicles.”.

SEC. 750. CONSIDERATION OF SMALL HUB CONTROL TOWERS.

In selecting projects for the replacement of federally owned air traffic control towers from funds made available pursuant to title VIII of division J of the Infrastructure Investment and Jobs Act (Public Law 117–58) under the heading “Federal Aviation Administration—Facilities and Equipment”, the Administrator of the Federal Aviation Administration shall consider selecting projects at small hub commercial service airports with control towers that are at least 50 years old.

SEC. 751. AIR TRAFFIC CONTROL TOWER REPLACEMENT PROCESS REPORT.

(a) **REPORT REQUIRED.**—Not later than 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report on the process by which air traffic control tower facilities are chosen for replacement.

(b) **CONTENTS.**—The report required under subsection (a) shall contain—

- (1) the process by which air traffic control tower facilities are chosen for replacement, including which divisions of the Administration control or are involved in the replacement decision making process;
- (2) the criteria the Administrator uses to determine which air traffic control tower facilities to replace, including—
 - (A) the relative importance of each such criteria;
 - (B) why the Administrator uses each such criteria; and
 - (C) the reasons for the relative importance of each such criteria;
- (3) what types of investigation the Administrator carries out to determine if an air traffic control tower facility should be replaced;
- (4) a timeline of the replacement process for an individual air traffic control tower facility replacement;
- (5) the list of facilities established under subsection (c), including the reason for selecting each such facility; and
- (6) any other information the Administrator considers relevant.

(c) **LIST OF REPLACED AIR TRAFFIC CONTROL TOWER FACILITIES.**—The Administrator shall establish, maintain, and publish on the website of the Federal Aviation Administration a list of the following:

- (1) All air traffic control tower facilities replaced within the previous 10-year period.
- (2) Any such facilities in the process of being replaced.

SEC. 752. FAA CONTRACT TOWER PILOT PROGRAM.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a pilot program to convert up to 3 high-activity contract towers under the Federal Aviation Administration Contract Tower Program under section 47124 of title 49, United States Code, to visual flight rule towers staffed by the Administration.

(b) **PRIORITY.**—In selecting facilities to participate in the pilot program under subsection (a), the Administrator shall give priority to towers that—

- (1) had over 200,000 in annual tower operations in calendar year 2022 or a small hub airport with more than 900,000 passenger enplanements in calendar year 2021;
- (2) have control towers that are either owned by the Administration or are constructed to Administration standards; and
- (3) operate within a complex air space, including space used by air carriers, for general aviation, and by military aircraft.

(c) CONTROLLER RETENTION.—The Administrator shall appoint to the position of air traffic controller all air traffic controllers employed as a Federal contract tower operator and assigned to the air traffic control tower pilot program as of the date of enactment of this Act so long as such operator—

- (1) meets the qualifications contained in section 44506(f)(1)(A) of title 49, United States Code; and
- (2) has all other pre-employment qualifications required by law.

Subtitle C—Small Community Air Service

SEC. 771. ESSENTIAL AIR SERVICE REFORMS.

(a) REDUCTION IN SUBSIDY CAP.—Section 41731(a)(1)(C) of title 49, United States Code, is amended to read as follows:

“(C) had an average subsidy per passenger—

“(i) of less than \$1,000 during the most recent fiscal year beginning before October 1, 2026, as determined in subparagraph (D) by the Secretary; or

“(ii) of \$500 or less during the most recent fiscal year beginning on or after October 1, 2026; and”.

(b) RESTRICTION ON LENGTH OF ROUTES.—

(1) IN GENERAL.—Section 41732(a)(1) of title 49, United States Code, is amended by inserting “less than 650 miles from an eligible place (unless such airport or eligible place are located in a non-contiguous State)” after “hub airport”.

(2) EXCEPTION.—The amendment made by paragraph (1) shall not apply to any contract or renewal of such contract with an air carrier for essential air service compensation under subchapter II of chapter 417 of title 49, that was—

(A) entered into before the date of enactment of this Act; and

(B) still in effect on the date of enactment of this Act.

(3) SUNSET.—Paragraph (2) shall cease to have effect after September 30, 2028.

(c) APPLICANT SELECTION CONSIDERATIONS.—Section 41733(c)(1) of title 49, United States Code, is amended—

(1) by striking “giving substantial weight to” and inserting “including”;

(2) in subparagraph (E) by striking “and” at the end;

(3) in subparagraph (F) by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(G) the total compensation proposed by the air carrier for providing scheduled air service under this section.”.

(d) COST SHARE.—

(1) SECTION 41737.—Section 41737(a)(1) of title 49, United States Code, is amended—

(A) in subparagraph (D) by striking “and” at the end;

(B) in subparagraph (E) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(F) require that, for a contract to provide air service that is entered into or renewed under this subchapter after September 30, 2026, the Government’s share of the compensation is 95 percent.”.

(2) SECTION 41731.—Section 41731 of title 49, United States Code, is amended—

(A) in subsection (c) by inserting “and section 41737(a)(1)(F)” after “subsection (a)(1)”; and

(B) in subsection (d) by inserting “and section 41737(a)(1)(F)” after “Subsection (a)(1)(B)”.

SEC. 772. ESSENTIAL AIR SERVICE AUTHORIZATION.

Section 41742(a)(2) of title 49, United States Code, is amended by striking “\$155,000,000 for fiscal year 2018” an all that follows through “\$172,000,000 for fiscal year 2023” and inserting “\$332,000,000 for fiscal year 2024, \$312,000,000 for fiscal year 2025, \$300,000,000 for fiscal year 2026, \$265,000,000 for fiscal year 2027, and \$252,000,000 for fiscal year 2028”.

SEC. 773. SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM REFORM AND AUTHORIZATION.

(a) SAME PROJECTS LIMIT.—Section 41743(c)(4)(B) of title 49, United States Code, is amended by striking “10-year” and inserting “6-year”.

- (b) **PRIORITIES.**—Section 41743(c)(5) of title 49, United States Code, is amended—
- (1) by redesignating subparagraphs (B) through (G) as subparagraphs (C) through (H), respectively; and
 - (2) by adding after subparagraph (A) the following—
 - “(B) the community has demonstrated support from at least 1 air carrier to provide service;”.
- (c) **AUTHORIZATION.**—Section 41743(e)(2) of title 49, United States Code, is amended by striking “2023” and inserting “2028”.

SEC. 774. GAO STUDY ON INCREASED COSTS OF ESSENTIAL AIR SERVICE.

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study of the change in costs of the essential air service program under sections 41731 through 41742 of title 49, United States Code.

(b) **CONTENTS.**—In conducting the study required under subsection (a), the Comptroller General shall—

- (1) assess trends in costs of the essential air service program under sections 41731 through 41742 of title 49, United States Code, over the 10-year period ending on the date of enactment of this Act;
- (2) review potential causes for the increased cost of the essential air service program, including—
 - (A) labor costs;
 - (B) fuel costs;
 - (C) aging aircraft costs;
 - (D) air carrier opportunity costs; and
 - (E) airport costs; and
- (3) assess the effects of the COVID–19 pandemic on the costs of the essential air service program under sections 41731 through 41742 of title 49, United States Code.

(c) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under subsection (a).

TITLE VIII—MISCELLANEOUS

SEC. 801. DIGITALIZATION OF FAA PROCESSES.

(a) **IDENTIFICATION.**—Not later than 2 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall identify and catalog programs, activities, or processes that require paper-based information exchange between—

- (1) external entities and the Administration; or
- (2) offices within the Administration.

(b) **DIGITALIZATION.**—On an ongoing basis, and as appropriate, the Administrator shall transition the paper-based processes identified under subsection (a) to processes that support secure digital information submission, exchange, collaboration, and approval.

(c) **BRIEFING.**—Not later than 60 days after completing the required identification and catalog in subsection (a), the Administrator shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the programs, activities, and processes identified under subsection (a) and such programs, activities, and processes that have been identified for transition under subsection (b).

SEC. 802. FAA TELEWORK.

(a) **IN GENERAL.**—The Administrator of the Federal Aviation Administration—

- (1) may establish telework policies for employees that allow for the Administration to reduce the office footprint and associated expenses of the Administration, increase workforce retention, and provide flexibilities that the Administrator believes increases efficiency and effectiveness of the Administration, while requiring that any such policy—
 - (A) does not adversely impact the mission of the Administration;
 - (B) does not reduce the safety and efficiency of the national airspace system;
 - (C) for any employee that is designated as an officer or executive in the Federal Aviation Administration Executive System or a political appointee (as such term is defined in section 106 of title 49, United States Code)—

- (i) maximizes time at a duty station for such employee, excluding official travel; and
- (ii) may include telework provisions as determined appropriate by the Administrator, commensurate with official duties for such employee;
- (D) provides for on-the-job training opportunities for Administration personnel that are not less than such opportunities available in 2019;
- (E) reflects the appropriate work status of employees based on the job functions of such employee;
- (F) optimizes the work status of inspectors, investigators, and other personnel performing safety-related functions to ensure timely completion of safety oversight activities;
- (G) provides for personnel, including such personnel performing work related to aircraft certification and flight standards, who are responsible for actively working with regulated entities, external stakeholders, or other members of the public to be—
 - (i) routinely available on a predictable basis for in-person and virtual communications with external persons; and
 - (ii) not hindered from meeting with, visiting, auditing, or inspecting facilities or projects of regulated persons due to any telework policy; and
- (H) provides offices of the Administration opportunities for in-person dialogue, collaboration, and ideation for all employees;
- (2) ensures that locality pay for an employee of the Administrator accurately reflects the telework status and duty station of such employee;
- (3) may not establish a telework policy for an employee of the Administration unless such employee will be provided with secure network capacity, communications tools, necessary and secure access to appropriate agency data assets and Federal records, and equipment sufficient to enable such employee to be fully productive; and
- (4) not later than 2 years after the date of enactment of this Act, shall evaluate and address any telework policies in effect on the day before such date of enactment to ensure that such policies meet the requirements of paragraph (1).
- (b) CONGRESSIONAL UPDATE.—Not later than 1 year after the date of enactment of this Act, and 1 year thereafter, the Administrator shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on any telework policies currently in place, the implementation of such policies, and the benefits of such policies.
- (c) CONSULTATION.—If the Administrator determines that telework agreements must be updated to implement the requirements of subsection (a), the Administrator shall, prior to updating such agreements, consult with—
 - (1) exclusive bargaining representatives of air traffic controllers certified under section 7111 of title 5, United States Code; and
 - (2) labor organizations certified under such section as the exclusive bargaining representative of airway transportation systems specialists and aviation safety inspectors of the Federal Aviation Administration.

SEC. 803. REVIEW OF OFFICE SPACE.

- (a) FAA REVIEW.—
 - (1) INITIATION OF REVIEW.—Not later than 30 months after the date of enactment of this Act, the Secretary of Transportation shall initiate an inventory review of the domestic office footprint of the Department of Transportation.
 - (2) COMPLETION OF REVIEW.—Not later than 40 months after the date of enactment of this Act, the Secretary shall complete the inventory review required under paragraph (1).
- (b) CONTENTS OF REVIEW.—In completing the review under subsection (a), the Secretary shall—
 - (1) delineate the domestic office footprint into units of property, as determined appropriate by the Secretary;
 - (2) determine unit adequacy related to—
 - (A) the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) and the corresponding accessibility guidelines established under part 1191 of title 36, Code of Federal Regulations; and
 - (B) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);
 - (3) determine the feasible occupancy of each such unit, and provide the methodology used to make the determination;
 - (4) determine the number of individuals who are full-time equivalent employees, other employees, or contractors that have each such unit as a duty station and determine how telework policies will impact the usage of each such unit;

(5) calculate the amount of available, unused, or underutilized space in each such unit;

(6) consider any lease terms for leased units contained in the domestic office footprint, including cost and effective dates for each such leased unit; and

(7) based on the findings in paragraphs (2) through (6), and any other metrics the Secretary determines relevant, provide recommendations for optimizing the use of units of property across the Department in consultation with appropriate employee labor representatives.

(c) **REPORT.**—Not later than 2 months after completing the review under subsection (a), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a final report that proposes opportunities to optimize the domestic office footprint of the Administration (and associated costs). In compiling such final report, the Secretary shall describe opportunities for—

(1) consolidation of offices within a reasonable distance from one another;

(2) the collocation of regional or satellite offices of separate modes of the Department, including the cost benefits of shared amenities; and

(3) the use of coworking spaces instead of permanent offices.

(d) **DEFINITION OF DOMESTIC OFFICE FOOTPRINT.**—In this section, the term “domestic office footprint” means buildings, offices, facilities, and other real property rented, owned, or occupied by the Administration or Department—

(1) in which employees report for permanent or temporary duty that are not being used for active operations of the air traffic control system; and

(2) which are located within the United States.

SEC. 804. AIRCRAFT WEIGHT REDUCTION TASK FORCE.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a task force to identify ways to safely reduce covered aircraft weight for purposes of reducing fuel burn.

(b) **COMPOSITION.**—The task force established under subsection (a) shall consist of not more than 20 individuals and shall include representatives of—

(1) the Federal Aviation Administration;

(2) other Federal agencies as the Administrator determines appropriate;

(3) air carriers;

(4) certified labor organizations representing flight attendants at air carriers operating under part 121 of title 14, Code of Federal Regulations;

(5) certified labor organizations representing aircraft maintenance technicians;

(6) certified labor organizations representing other aviation workers, as appropriate; and

(7) aerospace manufacturers.

(c) **REVIEW.**—The task force established under subsection (a) shall review and evaluate—

(1) regulations, requirements, advisory circulars, orders, or other such directives of the Administration related to covered aircraft or covered aircraft operations that may inhibit certification of new materials, manufacturing processes, components, or technologies that could reduce aircraft weight or increase fuel efficiency without decreasing safety;

(2) aspects of covered aircraft design that are outdated or underutilized on the date of enactment of this Act that may unnecessarily increase covered aircraft weight or reduce aircraft fuel efficiency that are not necessary for the safe operation of such aircraft;

(3) novel technologies and manufacturing processes, including the use of advanced materials, that can safely be used in the construction or modification of covered aircraft, including a component or the interior of such aircraft, to reduce weight or improve fuel efficiency; and

(4) nonproprietary methods that air carriers have used to safely decrease covered aircraft weight or improve fuel efficiency.

(d) **REPORT.**—

(1) **TASK FORCE REPORT.**—

(A) **IN GENERAL.**—Not later than 3 years after the establishment of the task force under subsection (a), the task force shall submit a report on the findings and results of the review and evaluation conducted under subsection (c) to the Administrator.

(B) **RECOMMENDATIONS.**—In submitting the report required under subparagraph (A), the task force shall include recommendations—

(i) on actions the Administrator may take to updated regulations, processes, advisory circulars, orders, or other such directions of the Ad-

ministration to enable the certification of new materials, components, manufacturing processes, or technologies that may allow for the safe reduction of covered aircraft weight or the improvement of fuel efficiency; and

(ii) on best practices for air carriers and aerospace manufacturers to certify such materials, components, manufacturing processes, or technologies.

(C) APPROXIMATION OF BENEFITS.—For each recommendation made under subparagraph (B), the task force shall approximate the fuel savings that could be expected if such recommendation was adopted.

(D) SUBMISSION TO CONGRESS.—Not later than 3 days after receipt of the report required under subparagraph (A), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the report and recommendations.

(2) FAA REPORT.—Not later than 120 days after submission of the report under paragraph (1), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report—

(A) describing the recommendations of the task force with which the Administrator fully concurs, partially concurs, or does not concur;

(B) detailing, for the recommendations with which the Administrator fully or partially concurs—

(i) a timeline for implementing such recommendations; and

(ii) possible benefits of using new materials, manufacturing processes, components, or technologies, including fuel savings, increased capacity, or other benefits as determined reasonable by the task force; and

(C) explaining, for the recommendations with which the Administrator does not concur, the reason for which the Administrator will not implement such recommendations.

(e) SUNSET.—

(1) IN GENERAL.—The task force established under subsection (a) shall terminate upon submission of the report required under subsection (d)(1)(A).

(2) EXCEPTION.—The Administrator may choose to extend such task force after the submission of the report required under subsection (d)(1)(A), if the Administrator determines that such an extension would be in the public interest.

(f) DEFINITION.—In this section:

(1) AIR CARRIER.—The term “air carrier” means an air carrier (as such term is defined in section 40102 of title 49, United States Code) that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

(2) AIRCRAFT WEIGHT.—The term “aircraft weight” means the gross weight of a covered aircraft in operation.

(3) COVERED AIRCRAFT.—The term “covered aircraft” means an aircraft that is operated by an air carrier that is operating pursuant to a certificate issued under part 121 of title 14, Code of Federal Regulations.

SEC. 805. AUDIT OF TECHNICAL WRITING RESOURCES AND CAPABILITIES.

(a) AUDIT BY INSPECTOR GENERAL.—Not later than 90 days after the date of enactment of this Act, the inspector general of the Department of Transportation shall initiate an audit of the technical writing resources and capabilities of the Federal Aviation Administration as such resources and capabilities relate to producing rulemaking, policy, and guidance, to—

(1) determine if such resources and capabilities are adequate; and

(2) make recommendations for improvement of such resources and capabilities.

(b) REVIEW.—In conducting the review required under subsection (a), the inspector general shall evaluate the technical writing resources and capabilities of the Administration in each line of business of the Administration, the Office of Policy, International Affairs, and Environment, and the Office of the Chief Counsel, including by reviewing—

(1) the process and resources required to produce initial drafts of rulemaking, policy, and guidance documents;

(2) the quality of such initial drafts;

(3) the amount of edits that are required throughout the production of rulemaking, policy, and guidance documents;

(4) writing support and education tools provided to engineers, managers, and other technical staff of the Administration involved in writing or editing such documents; and

(5) whether—

(A) the Administration has and adheres to best practices for the drafting of rulemaking, policy, and guidance documents; and

(B) such best practices are—

(i) easily accessible and understandable by employees of the Administration; and

(ii) reflect modern writing conventions.

(c) **RECOMMENDATIONS.**—In making the recommendations required under subsection (a)(2), the inspector general shall make recommendations to the Administrator of the Federal Aviation Administration on how to improve the quality of written rulemaking, policy, and guidance documents and the speed at which such documents can be produced, internally reviewed, and approved.

(d) **DECONFLICTING SCOPE.**—The inspector general shall ensure that the audit required under subsection (a) does not duplicate the evaluation required under section 125, except to the extent that duplication is necessary to fully evaluate the technical writing resources and capabilities of the Administration.

(e) **REPORT.**—Not later than 1 year after the inspector general initiates the audit under subsection (a), the inspector general shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the audit, including findings and recommendations.

SEC. 806. FAA PARTICIPATION IN INDUSTRY STANDARDS ORGANIZATIONS.

(a) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall ensure the participation of employees of the Administration in the activities of recognized industry standards organizations to advance the adoption, reference, and acceptance rate of standards and means of compliance developed by such organizations by the Administrator.

(b) **PARTICIPATION.**—An employee directed by the Administrator to participate in a working group, task group, committee, or similar body of a recognized industry standards organization shall—

(1) actively participate in the discussions and work of such organization;

(2) accurately represent the position of the Administration on the subject matter of such discussions and work;

(3) contribute to the development of work products of such organization, unless determined to be inappropriate by such organization;

(4) make reasonable efforts to identify and make any concerns of the Administration relating to such work products known to such organization, including through providing formal comments, as may be allowed for under the procedures of such organization;

(5) provide regular updates to other Administration employees and management on the progress of such work products; and

(6) seek advice and input from other Administration employees and management, as needed.

(c) **INVITATIONS.**—

(1) **IN GENERAL.**—The Administrator may accept an invitation to participate in and contribute to the work of a recognized industry standards organization as described in subsection (b).

(2) **DECLINATION OF INVITATION.**—If the Administrator declines an invitation described in paragraph (1), the Administrator shall provide—

(A) the recognized industry standards organization a written response to the invitation that articulates the reasons for declining the invitation; and

(B) a copy of such written response to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 5 days after providing the response to such organization under subparagraph (A).

(d) **RECOGNIZED INDUSTRY STANDARDS ORGANIZATION DEFINED.**—In this section, the term “recognized industry standards organization” means a domestic or international organization that—

(1) uses agreed upon procedures to develop aerospace-related industry standards or means of compliance, particularly standards or means of compliance that satisfy Administration requirements or guidance;

(2) is comprised of members of the public, including subject matter experts, industry representatives, academics and researchers, and government employees; and

(3) has had at least one standard or means of compliance accepted by the Administrator or referenced in guidance material or a regulation issued by the Federal Aviation Administration after the date of enactment of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108–176).

SEC. 807. SENSE OF CONGRESS ON USE OF VOLUNTARY CONSENSUS STANDARDS.

It is the sense of Congress that the Administrator of the Federal Aviation Administration should make every effort to abide by the policies set forth in the Office of Management and Budget Circular A-119, titled "Federal Participation in the Development and Use of Voluntary Consensus Standards and Conformity Assessment Activities".

SEC. 808. REQUIRED DESIGNATION.

The Administrator of the Federal Aviation Administration shall designate any aviation rulemaking committee convened under this Act pursuant to section 106(p)(5) of title 49, United States Code.

SEC. 809. SENSITIVE SECURITY INFORMATION.

(a) IN GENERAL.—Chapter 401 of title 49, United States Code, is amended by inserting after section 40118 the following:

"§ 40119. Sensitive security information

"(a) IN GENERAL.—Notwithstanding section 552 of title 5, the Secretary of Transportation shall issue regulations prohibiting the disclosure of information obtained or developed in the process of ensuring security under this title if the Secretary determines that disclosing the information would—

"(1) be an unwarranted invasion of personal privacy;

"(2) reveal a trade secret or privileged or confidential commercial or financial information; or

"(3) be detrimental to transportation safety.

"(b) WITHHELD INFORMATION.—In carrying out subsection (a), the Secretary shall ensure that the prohibitions described in such subsection do not apply to any information provided to a committee of Congress authorized to have such information, including the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"(c) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to authorize the designation of information as sensitive security information (as defined in section 15.5 of title 49, Code of Federal Regulations) to—

"(1) conceal—

"(A) a violation of law;

"(B) inefficiency; or

"(C) an administrative error;

"(2) prevent embarrassment to a person, organization, or governmental agency;

"(3) restrain competition; or

"(4) prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.

"(d) NONDISCLOSURE.—Section 552a of title 5 shall not apply to disclosures that the Administrator of the Federal Aviation Administration may make from the systems of records of the Administration to any Federal law enforcement, intelligence, protective service, immigration, or national security official in order to assist the official receiving the information in the performance of official duties."

(b) CLERICAL AMENDMENT.—The analysis for chapter 401 of title 49, United States Code, is amended by striking the item related to section 40119 and inserting the following:

"40119. Sensitive security information."

SEC. 810. PRESERVING OPEN SKIES WHILE ENSURING FAIR SKIES.

(a) ADDITION OF LABOR STANDARDS.—Section 40101 of title 49, United States Code, is amended—

(1) in subsection (a) by adding at the end the following:

"(17) preventing the undermining of labor standards."; and

(2) in subsection (e) by adding at the end the following:

"(11) preventing the undermining of labor standards."

(b) UPDATE TO FOREIGN AIR CARRIER PERMITS.—Section 41302(2)(B) of title 49, United States Code, is amended by striking "the foreign air transportation" and inserting "after considering the totality of the circumstances, including the matters described in section 40101(a), the foreign air transportation".

(c) SAVINGS CLAUSE.—Nothing in this section, or the amendments made by this section, shall be construed to affect the validity of a foreign air carrier permit held, or air transport agreement in place, on the date of enactment of this Act.

SEC. 811. COMMERCIAL PREFERENCE.

Section 40110(d) of title 49, United States Code, is further amended—

(1) in paragraph (1) by striking “and implement” and inserting “, implement, and periodically update”;

(2) in paragraph (2) by striking “the new acquisition management system developed and implemented” and inserting “the acquisition management system developed, implemented, and periodically updated” each place it appears;

(3) in paragraph (3)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “new”; and

(ii) by striking “and implemented” and inserting “, implemented, and periodically updated”; and

(B) in subparagraph (B) by striking “Within” and all that follows through “the Administrator” and inserting “The Administrator”;

(4) by redesignating paragraph (4) as paragraph (5); and

(5) by inserting after paragraph (3) the following:

“(4) COMMERCIAL PRODUCTS AND SERVICES.—In implementing and updating the acquisition management system pursuant to paragraph (1), the Administrator shall, whenever possible—

“(A) describe the requirements with respect to a solicitation for the procurement of supplies or services in terms of—

“(i) functions to be performed;

“(ii) performance required; or

“(iii) essential physical and system characteristics;

“(B) ensure that commercial services or commercial products may be procured to fulfill such solicitation, or to the extent that commercial products suitable to meet the needs of the Administration are not available, ensure that nondevelopmental items other than commercial products may be procured to fulfill such solicitation;

“(C) provide offerors of commercial services, commercial products, and nondevelopmental items other than commercial products an opportunity to compete in any solicitation for the procurement of supplies or services;

“(D) revise the procurement policies, practices, and procedures of the Administration to reduce any impediments to the acquisition of commercial products and commercial services; and

“(E) ensure that procurement officials—

“(i) acquire commercial services, commercial products, or nondevelopmental items other than commercial products to meet the needs of the Administration;

“(ii) in a solicitation for the procurement of supplies or services, state the specifications for such supplies or services in terms that enable and encourage bidders and offerors to supply commercial services or commercial products, or to the extent that commercial products suitable to meet the needs of the Administration are not available, to supply nondevelopmental items other than commercial products;

“(iii) require that prime contractors and subcontractors at all levels under contracts with the Administration incorporate commercial services, commercial products, or nondevelopmental items other than commercial products as components of items supplied to the Administration;

“(iv) modify procurement requirements in appropriate circumstances to ensure that such requirements can be met by commercial services or commercial products, or to the extent that commercial products suitable to meet the needs of the Administration are not available, nondevelopmental items other than commercial products; and

“(v) require training of appropriate personnel in the acquisition of commercial products and commercial services.”.

SEC. 812. CONSIDERATION OF THIRD-PARTY SERVICES.

(a) PLANS AND POLICY.—Section 44501 of title 49, United States Code, is amended—

(1) in subsection (a) by striking “development and location of air navigation facilities” and inserting “development of air navigation facilities and services”; and

(2) in subsection (b)—

(A) by striking “and development” and inserting “procurement, and development” each place it appears;

(B) by striking “facilities and equipment” and inserting “facilities, services, and equipment”;

(C) by striking “first and 2d years” and inserting “first and second years”;

(D) by striking “subclauses (A) and (B) of this clause” and inserting “subparagraphs (A) and (B)”;

(E) by striking “the 3d, 4th, and 5th” and inserting “the third, fourth, and fifth”;

(F) by striking “systems and facilities” and inserting “systems, services, and facilities”; and

(G) by striking “growth of aviation” and inserting “growth of the aerospace industry”.

(b) SYSTEMS, PROCEDURES, FACILITIES, AND DEVICES.—Section 44505 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “develop, alter” and inserting “develop when necessary, alter”; and

(B) by striking “and devices” and inserting “services, and devices” each place it appears; and

(2) in subsection (b) by striking “develop dynamic simulation models” and inserting “develop or procure dynamic simulation models and tools” each place it appears.

SEC. 813. CERTIFICATES OF AUTHORIZATION OR WAIVER.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration, may issue a certificate of authorization or waiver to a person to operate an aircraft within an area covered by a temporary flight restriction under such conditions as the Administrator may prescribe, except for airspace that is subject to a permanent, continuous flight restriction, unless the authorization or waiver is issued to, or with the concurrence of, the entity for which the flight restriction was created.

(b) SPECIAL CONSIDERATIONS.—If a temporary flight restriction is related to a sporting event and issued pursuant to section 352 of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7), the conditions prescribed by the Administrator under subsection (a) shall include the following:

(1) A minimum distance from the center of the temporary flight restriction, which shall not be greater than 0.75 nautical miles, unless the Administrator determines, on a case by case basis, that such mileage is insufficient to maintain public safety.

(2) The person may not operate an aircraft (except for a purpose described under section 352(a)(3) of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7)) for a purpose that the Secretary determines is directly related to the event for which the temporary flight restriction is active.

(c) EXCEPTION.—Subsection (b)(1) shall not apply to aircraft operations associated with an aviation event or airshow for which the Administrator has granted a certificate of authorization or waiver.

(d) BRIEFING.—Not later than 18 months after the date of enactment of this Act, the Secretary shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the implementation of this section, including the number and nature of certificates of authorization or waiver that have been issued under subsection (a) subject to restrictions under subsection (b).

(e) OPERATIONAL PURPOSES.—Section 352(a)(3)(B) of Consolidated Appropriations Resolution, 2003 (Public Law 108–7) is amended by inserting “(or attendees approved by)” after “guests”.

(f) SUNSET.—Subsection (b) shall cease to have effect on October 1, 2028.

SEC. 814. WING-IN-GROUND-EFFECT CRAFT.

(a) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than 24 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration and the Commandant of the Coast Guard shall execute a memorandum of understanding governing the specific roles, delineations of responsibilities, resources, and commitments of the Federal Aviation Administration and the Coast Guard, respectively, pertaining to wing-in-ground-effect craft that are—

(A) only capable of operating either in water or in ground effect over water; and

(B) operated exclusively over waters subject to the jurisdiction of the United States.

(2) CONTENTS.—The memorandum of understanding described in paragraph (1) shall—

(A) cover the processes the Federal Aviation Administration and the United States Coast Guard will follow to promote communications, effi-

ciency, and nonduplication of effort in carrying out such memorandum of understanding;

- (B) account for the special rule in accordance with subsection (b); and
- (C) provide procedures for, at a minimum, the following:
 - (i) Approval of wing-in-ground-effect craft designs.
 - (ii) Operations of wing-in-ground-effect craft.
 - (iii) Pilotage of wing-in-ground-effect craft.
 - (iv) Inspections of wing-in-ground-effect craft.
 - (v) Maintenance of wing-in-ground-effect craft.

(b) **SPECIAL RULE PROHIBITING SECRETARY FROM REGULATING CERTAIN WIG CRAFT OPERATORS AS AIR CARRIERS.**—Notwithstanding any other provision of law or regulation, the Secretary of Transportation may not regulate an operator of a wing-in-ground-effect craft as an air carrier (as such term is defined in section 40102(a) of title 49, United States Code).

(c) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to—

- (1) limit the authority of the Secretary or the Administrator to regulate aircraft that are not wing-in-ground-effect craft, including aircraft that are—
 - (A) capable of the operations described in subsection (d); and
 - (B) capable of sustained flight out of ground effect;

(2) confer upon the Commandant the authority to determine the impact of any civil aircraft operation on the safety or efficiency of the National Airspace System; or

(3) confer upon the Administrator the authority to issue a certificate of documentation, with or without a registry, fishery or coastwise endorsement, for, or inspect any vessel as that term is defined in section 115 of title 46, United States Code.

(d) **WING-IN-GROUND-EFFECT CRAFT DEFINED.**—In this section, the term “wing-in-ground-effect craft” means a craft that is capable of operating completely above the surface of the water on a dynamic air cushion created by aerodynamic lift due to the ground effect between the craft and the surface of the water.

SEC. 815. QUASQUICENTENNIAL OF AVIATION.

(a) **FINDINGS.**—Congress finds the following:

(1) December 17, 2028, is the 125th anniversary of the first successful manned, free, controlled, and sustained flight by an aircraft.

(2) The first flight by Orville and Wilbur Wright in Kitty Hawk, North Carolina, is a defining moment in the history of the United States and the world.

(3) The Wright brothers’ achievement is a testament to their ingenuity, perseverance, and commitment to innovation, which has inspired generations of aviators and scientists alike.

(4) The advent of aviation and the air transportation industry has fundamentally transformed the United States and the world for the better.

(5) The 125th anniversary of the Wright brothers’ first flight is worthy of recognition and celebration to honor their legacy and to inspire a new generation of Americans as aviation reaches an inflection point of innovation and change.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the Secretary of Transportation, the Administrator of the Federal Aviation Administration, and the heads of other appropriate Federal agencies should facilitate and participate in local, national, and international observances and activities that commemorate and celebrate the 125th anniversary of powered flight.

SEC. 816. FEDERAL CONTRACT TOWER WAGE DETERMINATIONS AND POSITIONS.

The Secretary of Transportation shall request that the Secretary of Labor—

(1) review and update, as necessary, including to account for cost-of-living adjustments, the basis for the wage determination for air traffic controllers who are employed at air traffic control towers operated under the Contract Tower Program established under section 47124 of title 49, United States Code;

(2) create a new wage determination category or occupation code for managers of air traffic controllers who are employed at air traffic control towers in the Contract Tower Program; and

(3) consult with the Administrator of the Federal Aviation Administration in carrying out the requirements of paragraphs (1) and (2).

SEC. 817. INTERNAL PROCESS IMPROVEMENTS REVIEW.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the inspector general of the Department of Transportation shall review the coordination and approval processes of non-regulatory materials produced by the Federal Aviation Administration to improve the timeliness, transparency, development, and issuance of such materials.

(b) CONTENTS OF REVIEW.—In conducting the review under subsection (a), the inspector general shall—

(1) provide recommendations for improving processes and eliminating non-value-added reviews of non-regulatory materials within the Federal Aviation Administration and Department of Transportation, in consideration of the authority of the Administrator under section 106 of title 49, United States Code, and other applicable laws;

(2) consider, with respect to each office within the Federal Aviation Administration and the Department of Transportation that reviews non-regulatory materials—

(A) the timeline assigned to each such office to complete the review of such materials;

(B) the actual time spent for such review; and

(C) opportunities to reduce the actual time spent for such review;

(3) describe any organizational changes and additional resources that the Administration needs, if necessary, to reduce delays in the development and publication of proposed non-regulatory materials;

(4) consider to what extent reporting mechanisms and templates could be used to provide the public with more consistent information on the development status of non-regulatory materials;

(5) consider changes to the application of rules governing ex parte communications by the Administrator to provide flexibility for employees of the Administration to discuss non-regulatory materials with aviation stakeholders and foreign aviation authorities to promote United States aviation leadership;

(6) recommend methods by which the Administration can incorporate standards set by recognized industry standards organizations, as such term is defined in section 806, into non-regulatory materials to keep pace with rapid changes in aerospace technology and processes; and

(7) evaluate the processes and best practices other civil aviation authorities and other Federal departments and agencies use to produce non-regulatory materials, particularly the processes of entities that produce such materials in an expedited fashion to respond to safety risks, incidents, or new technology adoption.

(c) CONSULTATION.—In conducting the review under subsection (a), the inspector general may, as appropriate, consult with industry stakeholders, academia, and other individuals with relevant background or expertise in improving the efficiency of Federal non-regulatory material production.

(d) REPORT.—Not later than 1 year after the inspector general initiates the review under subsection (a), the inspector general shall submit to the Administrator a report on such review.

(e) ACTION PLAN.—

(1) IN GENERAL.—The Administrator shall develop an action plan to implement the recommendations contained in the report submitted under subsection (d).

(2) BRIEFING.—Not later than 90 days after receiving the report under subsection (d), the Administrator shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on such plan.

(f) NON-REGULATORY MATERIALS DEFINED.—In this section, the term “non-regulatory materials” means orders, advisory circulars, statements of policy, guidance, technical standards, and other materials related to aviation safety, training, and operation of aeronautical products.

SEC. 818. ACCEPTANCE OF DIGITAL DRIVER'S LICENSE AND IDENTIFICATION CARDS.

The Administrator of the Federal Aviation Administration shall take such actions as may be necessary to accept, in any instance where an individual is required to submit government-issued identification to the Administrator, a digital or mobile driver's license or identification card issued to such individual by a State.

SEC. 819. BUCKEYE 940 RELEASE OF DEED RESTRICTIONS.

(a) PURPOSE.—The purpose of this section is to authorize the Secretary to issue a Deed of Release from all terms, conditions, reservations, restrictions, and obligations contained in the Quitclaim Deed and permit the State of Arizona to deposit all proceeds of the disposition of Buckeye 940 in the appropriate fund for the benefit of the beneficiaries of the Arizona State Land Trust.

(b) DEFINITIONS.—In this section:

(1) BUCKEYE 940.—The term “Buckeye 940” means all of section 12, T.1 N., R.3 W. and all of adjoining fractional section 7, T.1 N., R.2 W., Gila and Salt River Meridian, Arizona, which property was the subject of the Quitclaim Deed between the United States and the State of Arizona, dated July 11, 1949, and

which is currently owned by the State of Arizona and held in trust for the beneficiaries of the Arizona State Land Trust.

(2) QUITCLAIM DEED.—The term “Quitclaim Deed” means the Quitclaim Deed between the United States and the State of Arizona, dated July 11, 1949.

(3) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(c) RELEASE OF ANY AND ALL INTEREST IN BUCKEYE 940.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the United States, acting through the Secretary, shall issue to the State of Arizona a Deed of Release to release all terms, conditions, reservations, restrictions, and obligations contained in the Quitclaim Deed, including any and all reversionary interest of the United States in Buckeye 940.

(2) TERMS AND CONDITIONS.—The Deed of Release described in paragraph (1) shall be subject to such additional terms and conditions, consistent with such paragraph, as the Secretary considers appropriate to protect the interests of the United States.

(3) NO RESTRICTION ON USE OF PROCEEDS.—Notwithstanding any other provision of law, the State of Arizona may dispose of Buckeye 940 and any proceeds thereof, including proceeds already collected by the State and held in a suspense account, without regard to any restriction imposed by the Quitclaim Deed or by section 155.7 of title 14, Code of Federal Regulations.

(4) MINERAL RESERVATION.—The Deed of Release described in paragraph (1) shall include the release of all interests of the United States to the mineral rights on Buckeye 940 included in the Quitclaim Deed.

SEC. 820. FEDERAL AVIATION ADMINISTRATION INFORMATION TECHNOLOGY SYSTEM INTEGRITY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a review to identify and address aging information technology systems within the Administration.

(b) CONTENTS.—The review required under subsection (a) shall—

(1) identify and inventory critical software and hardware systems of the Administration;

(2) assess the vulnerabilities of such systems to degradation, errors (including human errors), and malicious attacks (including cyber attacks); and

(3) identify upgrades to, or replacements for, such systems that are necessary to mitigate such vulnerabilities.

(c) MITIGATION.—The Administrator shall take such action as may be necessary to mitigate the vulnerabilities identified under the review conducted under subsection (a).

(d) LEVERAGING EXTERNAL EXPERTISE.—To the maximum extent practicable, the actions carried out pursuant to this section shall—

(1) be consistent with the acquisition management system established and updated pursuant to section 40110(d) of title 49, United States Code;

(2) incorporate input from industry, academia, or other external experts on information technology; and

(3) identify technologies in existence or in development that, with or without adaptation, are expected to be suitable to meet the technical information technology needs of the Administration.

(e) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing the results of the review required under subsection (a).

(f) INSPECTOR GENERAL REVIEW.—

(1) IN GENERAL.—After the Administrator completes the review under subsection (a), the inspector general of the Department of Transportation shall conduct an audit of the integrity of the information technology systems of the Administration and assess the efforts of the Administration to address the Administration’s aging information technology systems.

(2) REPORT.—The inspector general shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the audit carried out under this subsection.

SEC. 821. BRIEFING ON RADIO COMMUNICATIONS COVERAGE AROUND MOUNTAINOUS TERRAIN.

(a) BRIEFING REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall provide to the Committee on Transportation and Infrastructure of the House of Representa-

tives and the Committee on Commerce, Science, and Transportation of the Senate a briefing on the radio communications coverage within the airspace surrounding the Mena Intermountain Municipal Airport in Mena, Arkansas.

(b) BRIEFING CONTENTS.—The briefing required under subsection (a) shall include the following:

(1) The radio communications coverage within the airspace surrounding the Mena Intermountain Municipal Airport with the applicable Air Route Traffic Control Center.

(2) The altitudes at which radio communications capabilities are lost within such airspace.

(3) Recommendations on changes that may increase radio communications coverage below 4,000 feet above ground level within such airspace.

SEC. 822. STUDY ON CONGESTED AIRSPACE.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall initiate a study on the efficiency and efficacy of scheduled commercial air service transiting congested airspace.

(b) CONTENTS.—In carrying out the study required under subsection (a), the Comptroller General shall examine—

(1) various regions of congested airspace and the differing factors of such regions;

(2) commercial air service;

(3) military flight activity;

(4) emergency response activity;

(5) commercial space transportation activities;

(6) weather; and

(7) air traffic controller staffing.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study and recommendations to reduce the impacts to scheduled air service transiting congested airspace.

SEC. 823. ADMINISTRATIVE SERVICES FRANCHISE FUND.

Title I of the Department of Transportation and Related Agencies Appropriations Act, 1997 (49 U.S.C. 40113 note) is amended under the heading “Administrative Services Franchise Fund” by striking “shall be paid in advance” and inserting “may be reimbursed after performance or paid in advance”.

SEC. 824. USE OF BIOGRAPHICAL ASSESSMENTS.

Section 44506(f)(2)(A) of title 49, United States Code, is amended by striking “paragraph (1)(B)(ii)” and inserting “paragraph (1)(B)”.

SEC. 825. WHISTLEBLOWER PROTECTION ENFORCEMENT.

Section 42121(b)(5) of title 49, United States Code, is amended to read as follows:

“(5) ENFORCEMENT OF ORDER.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor and the Administrator of the Federal Aviation Administration shall consult with each other to determine the most appropriate action to be taken, in which—

“(A) the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order, for which, in actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, injunctive relief and compensatory damages; and

“(B) the Administrator of the Federal Aviation Administration may assess a civil penalty pursuant to section 46301.”.

SEC. 826. FINAL RULEMAKING ON CERTAIN MANUFACTURING STANDARDS.

Not later than December 16, 2023, the Administrator of the Federal Aviation Administration shall issue a final rule for the notice of proposed rulemaking titled “Airplane Fuel Efficiency Certification” and published June 15, 2022 (RIN 2120-AL54).

SEC. 827. REMOTE DISPATCH.

(a) IN GENERAL.—Section 44711(a) of title 49, United States Code, is amended—

(1) in paragraph (9) by striking “or” at the end;

(2) in paragraph (10) by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(11) work as an aircraft dispatcher outside of a physical location designated as a dispatching center or flight following center of an air carrier, except as provided under section 44747.”

(b) AIRCRAFT DISPATCHING.—Chapter 447 of title 49, United States Code, is further amended by adding at the end the following:

“§ 44747. Aircraft dispatching

“(a) AIRCRAFT DISPATCHING CERTIFICATE.—No person may serve as an aircraft dispatcher for an air carrier unless that person holds the appropriate aircraft dispatcher certificate issued by the Administrator of the Federal Aviation Administration.

“(b) PROOF OF CERTIFICATE.—Upon the request of the Administrator or an authorized representative of the National Transportation Safety Board, or other appropriate Federal agency, a person who holds such a certificate, and is performing dispatching shall present the certificate for inspection.

“(c) DISPATCH CENTERS AND FLIGHT FOLLOWING CENTERS.—

“(1) ESTABLISHMENT.—Air carriers shall establish and maintain sufficient dispatch centers and flight following centers necessary to maintain operational control of each flight at all times.

“(2) REQUIREMENTS.—Air carrier dispatch centers and flight following centers shall—

“(A) have a sufficient number of aircraft dispatchers at dispatch centers and flight following centers to ensure proper operational control of each flight at all times;

“(B) have the equipment necessary and in good repair to maintain proper operational control of each flight at all times; and

“(C) include appropriate physical and cybersecurity protections, as determined by the Administrator.

“(3) LOCATION LIMITATION.—No air carrier may dispatch aircraft from any location other than the designated dispatch centers or flight following centers of such air carrier.

“(d) EMERGENCY AUTHORITY FOR REMOTE DISPATCHING.—Notwithstanding subsection (c), an air carrier may dispatch aircraft from locations other than from designated dispatch centers or flight following centers for a limited period of time in the event of an emergency or other event that renders a center inoperable. An air carrier may not dispatch aircraft under the emergency authority under this subsection for longer than 30 consecutive days without the approval of the Administrator.”

(c) CLERICAL AMENDMENT.—The analysis for chapter 447 of title 49, United States Code, is further amended by adding at the end the following:

“44747. Aircraft dispatching.”

SEC. 828. EMPLOYEE ASSAULT PREVENTION AND RESPONSE PLANS AMENDMENT.

Section 551 of the FAA Reauthorization Act of 2018 (49 U.S.C. 44903 note) is amended—

(1) in subsection (a)—

(A) by striking “Not later than 90 days after the date of enactment of this Act,” and inserting “The Administrator shall require”; and

(B) by striking “shall submit to the Administrator” and inserting “to submit”; and

(2) in subsection (c) by striking “A part 121 air carrier shall” and inserting “The Administrator shall require a part 121 air carrier to”.

SEC. 829. CREW MEMBER SELF-DEFENSE TRAINING.

Section 44918(b) of title 49, United States Code, is amended—

(1) in paragraph (4) by striking “Neither” and inserting “Except as provided in paragraph (8), neither”; and

(2) by adding at the end the following:

“(8) AIR CARRIER ACCOMMODATION.—An air carrier with a crew member participating in the training program under this subsection shall provide a process through which each such crew member may obtain reasonable accommodations.”

SEC. 830. FORMAL SEXUAL ASSAULT AND HARASSMENT POLICIES ON AIR CARRIERS AND FOREIGN AIR CARRIERS.

(a) IN GENERAL.—Chapter 417 of title 49, United States Code, is further amended by adding at the end the following:

“§ 41729. Formal sexual assault and harassment policies

“(a) REQUIREMENT.—Not later than 180 days after the date of enactment of this section, each air carrier and foreign air carrier transporting passengers for com-

pensation shall issue, in consultation with labor unions representing personnel of the air carrier or foreign air carrier, a formal policy with respect to transportation sexual assault or harassment incidents.

“(b) CONTENTS.—The policy required under subsection (a) shall include—

“(1) a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance;

“(2) procedures that facilitate the reporting of a transportation sexual assault or harassment incident, including—

“(A) appropriate public outreach activities; and

“(B) confidential phone and internet-based opportunities for reporting;

“(3) procedures that personnel should follow upon the reporting of a transportation sexual assault or harassment incident, including actions to protect affected individuals from continued sexual assault or harassment and to notify law enforcement when appropriate;

“(4) procedures that may limit or prohibit, to the extent practicable, future travel with the air carrier or foreign air carrier by any passenger who causes a transportation sexual assault or harassment incident; and

“(5) training that is required for all appropriate personnel with respect to the policy required under subsection (a), including—

“(A) specific training for personnel who may receive reports of transportation sexual assault or harassment incidents; and

“(B) recognizing and responding to potential human trafficking victims, in the same manner as required under section 44734(a)(4).

“(c) PASSENGER INFORMATION.—An air carrier or foreign air carrier described in subsection (a) shall prominently display, on the internet website of the air carrier or foreign air carrier and through the use of appropriate signage, a written statement that informs passengers and personnel of the procedure for reporting a transportation sexual assault or harassment incident.

“(d) STANDARD OF CARE.—Compliance with the requirements of this section, and any policy issued thereunder, shall not determine whether the air carrier or foreign air carrier described in subsection (a) has acted with any requisite standard of care.

“(e) DEFINITIONS.—In this section:

“(1) PERSONNEL.—The term ‘personnel’ means an employee or contractor of an air carrier or foreign air carrier.

“(2) SEXUAL ASSAULT.—The term ‘sexual assault’ means the occurrence of an act that constitutes any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

“(3) TRANSPORTATION SEXUAL ASSAULT OR HARASSMENT INCIDENT.—The term ‘transportation sexual assault or harassment incident’ means the occurrence, or reasonably suspected occurrence, of an act that—

“(A) constitutes sexual assault or sexual harassment; and

“(B) is committed—

“(i) by a passenger or member of personnel of an air carrier or foreign air carrier against another passenger or member of personnel of an air carrier or foreign air carrier; and

“(ii) within an aircraft or in an area in which passengers are entering or exiting an aircraft.”

(b) CLERICAL AMENDMENT.—The analysis for chapter 417 of title 49, United States Code, is further amended by adding at the end the following:

“41729. Formal sexual assault and harassment policies.”

SEC. 831. INTERFERENCE WITH SECURITY SCREENING PERSONNEL.

Section 46503 of title 49, United States Code, is amended—

(1) by striking “An individual” and inserting the following:

“(a) IN GENERAL.—An individual”; and

(2) by adding at the end the following:

“(b) AIRPORT AND AIR CARRIER EMPLOYEES.—For purposes of this section, an airport or air carrier employee who has security duties within the airport includes an airport or air carrier employee performing ticketing, check-in, baggage claim, or boarding functions.”

SEC. 832. MECHANISMS TO REDUCE HELICOPTER NOISE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall initiate a study to examine ways in which a State, territorial, or local government may mitigate the negative impacts of commercial helicopter noise.

(b) CONSIDERATIONS.—In conducting the study under subsection (a), the Comptroller General shall consider—

(1) the varying degree of commercial helicopter operations in different communities; and

(2) actions that State, and local governments have taken, and authorities such governments have used, to reduce the impact of commercial helicopter noise and the success of such actions.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall provide to the Administrator of the Federal Aviation Administration, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of the study conducted under subsection (a).

SEC. 833. TECHNICAL CORRECTIONS.

(a) TITLE 49 ANALYSIS.—The analysis for title 49, United States Code, is amended by striking the item relating to subtitle IX and inserting the following:

“IX. MULTIMODAL FREIGHT TRANSPORTATION..... 70101”.

(b) SUBTITLE I ANALYSIS.—The analysis for subtitle I of title 49, United States Code, is amended by striking the item relating to chapter 7.

(c) SUBTITLE VII ANALYSIS.—The analysis for subtitle VII of title 49, United States Code, is amended by striking the item relating to chapter 448 and inserting the following:

“448. Unmanned Aircraft Systems..... 44801”.

(d) AUTHORITY TO EXEMPT.—Section 40109(b) of title 49, United States Code, is amended by striking “sections 40103(b)(1) and (2) of this title” and inserting “paragraphs (1) and (2) of section 40103(b)”.

(e) GENERAL PROCUREMENT AUTHORITY.—Section 40110(d)(3) of title 49, United States Code, is further amended—

(1) in subparagraph (B) by inserting “, as in effect on October 9, 1996” after “Policy Act”;

(2) in subparagraph (C) by striking “the Office of Federal Procurement Policy Act” and inserting “division B of subtitle I of title 41”; and

(3) in subparagraph (D) by striking “section 27(e)(3)(A)(iv) of the Office of Federal Procurement Policy Act” and inserting “section 2105(c)(1)(D) of title 41”.

(f) GOVERNMENT-FINANCED AIR TRANSPORTATION.—Section 40118(g)(1) of title 49, United States Code, is amended by striking “detection and reporting of potential human trafficking (as described in paragraphs (9) and (10))” and inserting “detection and reporting of potential severe forms of trafficking in persons and sex trafficking (as such terms are defined in paragraphs (11) and (12))”.

(g) FAA AUTHORITY TO CONDUCT CRIMINAL HISTORY RECORD CHECKS.—Section 40130(a)(1)(A) of title 49, United States Code, is amended by striking “(42 U.S.C. 14616)” and inserting “(34 U.S.C. 40316)”.

(h) SUBMISSIONS OF PLANS.—Section 41313(c)(16) of title 49, United States Code, is amended by striking “will consult” and inserting “the foreign air carrier shall consult”.

(i) PLANS AND POLICY.—Section 44501(c) of title 49, United States Code, is amended—

(1) in paragraph (2)(B)(i), by striking “40119,”; and

(2) in paragraph (3) by striking “Subject to section 40119(b) of this title and regulations prescribed under section 40119(b),” and inserting “Subject to section 44912(d)(2) and regulations prescribed under such section.”.

(j) USE AND LIMITATION OF AMOUNTS.—Section 44508 of title 49, United States Code, is amended by striking “40119,” each place it appears.

(k) STRUCTURES INTERFERING WITH AIR COMMERCE OR NATIONAL SECURITY.—Section 44718(h) of title 49, United States Code, is amended to read as follows:

“(h) DEFINITIONS.—In this section, the terms ‘adverse impact on military operations and readiness’ and ‘unacceptable risk to the national security of the United States’ have the meaning given those terms in section 183a(h) of title 10.”.

(l) METEOROLOGICAL SERVICES.—Section 44720(b)(2) of title 49, United States Code, is amended—

(1) by striking “the Administrator to persons” and inserting “the Administrator, to persons”; and

(2) by striking “the Administrator and to” and inserting “the Administrator, and to”.

(m) AERONAUTICAL CHARTS.—Section 44721(c)(1) of title 49, United States Code, is amended by striking “1947,” and inserting “1947”.

(n) FLIGHT ATTENDANT CERTIFICATION.—Section 44728(c) of title 49, United States Code, is amended by striking “Regulation,” and inserting “Regulations,”.

(o) MANUAL SURCHARGE.—The analysis for chapter 453 of title 49, United States Code, is amended by adding at the end the following:

“45306. Manual surcharge.”.

(p) SCHEDULE OF FEES.—Section 45301(a) of title 49, United States Code, is amended by striking “The Administrator shall establish” and inserting “The Administrator of the Federal Aviation Administration shall establish”.

(q) JUDICIAL REVIEW.—Section 46110(a) of title 49, United States Code, is amended by striking “subsection (l) or (s) of section 114” and inserting “subsection (l) or (r) of section 114”.

(r) CIVIL PENALTIES.—Section 46301(a) of title 49, United States Code, is amended—

(1) in the heading for paragraph (6), by striking “FAILURE TO COLLECT AIRPORT SECURITY BADGES” and inserting “FAILURE TO COLLECT AIRPORT SECURITY BADGES”; and

(2) in paragraph (7), by striking “PENALTIES RELATING TO HARM TO PASSENGERS WITH DISABILITIES” in the paragraph heading and inserting “PENALTIES RELATING TO HARM TO PASSENGERS WITH DISABILITIES”.

(s) PAYMENTS UNDER PROJECT GRANT AGREEMENTS.—Section 47111(e) of title 49, United States Code, is amended by striking “fee” and inserting “charge”.

(t) AGREEMENTS FOR STATE AND LOCAL OPERATION OF AIRPORT FACILITIES.—Section 47124(b)(1)(B)(ii) of title 49, United States Code, is amended by striking the second period at the end.

(u) USE OF FUNDS FOR REPAIRS FOR RUNWAY SAFETY REPAIRS.—Section 47144(b)(4) of title 49, United States Code, is amended by striking “(42 U.S.C. 4121 et seq.)” and inserting “(42 U.S.C. 5121 et seq.)”.

(v) METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.—Section 49106 of title 49, United States Code, is amended—

(1) in subsection (a)(1)(B) by striking “and section 49108 of this title”; and

(2) in subsection (c)(6)(C) by inserting “the” before “jurisdiction”.

(w) SEPARABILITY AND EFFECT OF JUDICIAL ORDER.—Section 49112(b) of title 49, United States Code, is amended—

(1) by striking paragraph (1); and

(2) by striking “(2) Any action” and inserting “Any action”.

SEC. 834. TRANSPORTATION OF ORGANS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Administrator of the Federal Aviation Administration, shall convene a working group (in this section referred to as the “working group”) to assist in developing best practices for transportation of an organ in the cabin of an aircraft operating under part 121 of title 14, Code of Federal Regulations, and to identify regulations that hinder such transportation, if applicable.

(b) COMPOSITION.—The working group shall be comprised of representatives from the following:

(1) Air carriers operating under part 121 of title 14, Code of Federal Regulations.

(2) Organ procurement organizations.

(3) Organ transplant hospitals.

(4) Flight attendants.

(5) Other relevant Federal agencies involved in organ transportation or air travel.

(c) CONSIDERATIONS.—In establishing the best practices described in subsection (a), the working group shall consider—

(1) a safe, standardized process for acceptance, handling, management, and transportation of an organ in the cabin of such aircraft; and

(2) protocols to ensure the safe and timely transport of an organ in the cabin of such aircraft, including through connecting flights.

(d) RECOMMENDATIONS.—Not later than 1 year after the convening of the working group, such working group shall submit to the Secretary a report containing recommendations for the best practices described in subsection (a).

(e) DEFINITION OF ORGAN.—In this section, the term “organ”—

(1) has the meaning given such term in section 121.2 of title 42, Code of Federal Regulations; and

(2) includes organ-related tissue.

SEC. 835. REPORT ON APPLICATION APPROVAL TIMING.

Not later than 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing the amount of time the application approval process takes for agricultural aircraft operations under part 137 of title 14, Code of Federal Regulations.

SEC. 836. STUDY ON AIR CARGO OPERATIONS.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall initiate a study on the sustainability of air cargo operations.

(b) **CONTENTS.**—In conducting the study required under subsection (a), the Comptroller General shall address the following:

(1) Airport and cargo development strategies, including the pursuit of new air carriers and plans for physical expansion.

(2) Key historical statistics for passenger, cargo volumes, including freight, express, and mail cargo, and operations, including statistics distinguishing between passenger and freight operations.

(3) A description of air cargo facilities, including the age and condition of such facilities and the square footage and configuration of the landside and airside infrastructure of such facilities, and cargo buildings.

(4) The projected square footage deficit of the cargo facilities and infrastructure described in paragraph (3).

(5) The projected requirements and square footage deficit for air cargo support facilities.

(6) The general physical and operating issues and constraints associated with air cargo operations.

(7) A description of delays in truck bays associated with the infrastructure and critical landside issues, including truck maneuvering and queuing and parking for employees and customers.

(8) The estimated cost of developing new cargo facilities and infrastructure, including the identification of percentages for development with a return on investment and without a return on investment.

(9) The projected leasing costs to tenants per square foot with and without Federal funding of the non-return on investment allocation.

(10) A description of customs and general staffing issues associated with air cargo operations and the impacts of such issues on service.

(11) An assessment of the impact, cost, and estimated cost savings of using modern comprehensive communications and technology systems in air cargo operations.

(12) A description of the impact of Federal regulations and local enforcement of interdiction and facilitation policies on throughput.

(c) **REPORT.**—The Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the results of the study carried out under this section.

SEC. 837. NEXT GENERATION RADIO ALTIMETERS.

(a) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in coordination with industry and other relevant government stakeholders, shall carry out an accelerated program to assist with the development, testing, and certification of the standards and technology necessary to ensure industry and the Administration can certify, produce and meet the installation requirements for next generation radio altimeters across all necessary aircraft by January 1, 2028.

(b) **GRANT PROGRAM.**—The Administrator may award grants for the purposes of research and development, testing, and other activities necessary to ensure that next generation radio altimeter technology is developed, tested, certified, and installed on necessary aircraft by 2028, including through public-private partnership grants (which shall include protections for necessary intellectual property with respect to any private sector entity testing, certifying, or producing next generation radio altimeters under the program carried out under this section) with industry to ensure the accelerated production and installation by January 1, 2028.

(c) **REVIEW AND REPORT.**—Not later than 180 days after the enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the steps the Administrator has taken as of the date on which such report is submitted and any actions the Administrator plans to take, including as part of the program carried out under this section, to ensure that next generation radio altimeter technology is developed, tested, certified, and installed by 2028.

SEC. 838. SENSE OF CONGRESS REGARDING SAFETY AND SECURITY OF AVIATION INFRASTRUCTURE.

It is the sense of Congress that aviation provides essential services critical to the United States economy and that it is important to ensure the safety and security

of aviation infrastructure and protect such infrastructure from unlawful breaches with appropriate legal safeguards.

SEC. 839. RESTRICTED CATEGORY AIRCRAFT MAINTENANCE AND OPERATIONS.

Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration shall have sole jurisdiction over the maintenance and operations of aircraft owned by civilian operators and type-certificated in the restricted category under section 21.25 of title 14, Code of Federal Regulations.

SEC. 840. REPORT ON TELEWORK.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committees on Appropriations of the Senate and the House of Representatives a detailed report on any direct and indirect costs and inefficiencies associated with COVID-era telework policies at the Federal Aviation Administration.

SEC. 841. CREWMEMBER PUMPING GUIDANCE.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue guidance to part 121 air carriers relating to the expression of milk by crewmembers on an aircraft during noncritical phases of flight, consistent with the performance of the crewmember's duties aboard the aircraft. The guidance shall be equally applicable to any lactating crewmember. In developing the guidance, the Administrator shall—

(1) consider multiple methods of expressing breast milk that could be used by crewmembers, including the use of wearable lactation technology; and

(2) ensure the guidance will not require an air carrier or foreign air carrier to incur significant expense, such as through—

(A) the addition of an extra crewmember in response to providing a break;

(B) removal or retrofitting of seats on the aircraft; or

(C) modification or retrofitting of an aircraft.

(b) **DEFINITIONS.**—In this section:

(1) **CREWMEMBER.**—The term “crewmember” has the meaning given such term in section 1.1 of title 14, Code of Federal Regulations.

(2) **CRITICAL PHASES OF FLIGHT.**—The term “critical phases of flight” has the meaning given such term in section 121.542 of title 14, Code of Federal Regulations.

(3) **PART 121.**—The term “part 121” means part 121 of title 14, Code of Federal Regulations.

(c) **AVIATION SAFETY.**—Nothing in this section shall limit the authority of the Administrator relating to aviation safety under subtitle VII of title 49, United States Code.

SEC. 842. AIRCRAFT INTERCHANGE AGREEMENT LIMITATIONS.

(a) **STUDY.**—Not later than 90 days after the date of enactment of this Act, the Administrator of Federal Aviation Administration shall conduct a study of foreign interchange agreements.

(b) **CONTENTS.**—In carrying out the study required under subsection (a), the Administrator shall address the following:

(1) Methods for updating regulations under part 121.569 of title 14, Code of Federal Regulations, for foreign interchange agreements.

(2) Time limits for foreign aircraft interchange agreements.

(3) Minimum breaks between foreign aircraft interchange agreements.

(4) Limits for no more than 1 foreign aircraft interchange agreement between 2 airlines.

(5) Limits for no more than 2 foreign aircraft on the interchange agreement.

SEC. 843. FEDERAL AVIATION ADMINISTRATION ACADEMY AND FACILITY EXPANSION PLAN.

(a) **PLAN.**—

(1) **IN GENERAL.**—No later than 90 days after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall initiate the development of a plan to—

(A) expand overall Federal Aviation Administration capacity relating to facilities, instruction, equipment, and training resources to grow the number of developmental air traffic controllers enrolled per fiscal year and support increases in FAA air controller staffing to advance the safety of the national airspace system; and

(B) establish a second FAA Academy.

(2) CONSIDERATIONS.—In developing the plan under paragraph (1), the Administrator shall consider—

(A) the resources needed to support an increase in the total number of developmental air traffic controllers enrolled at the FAA Academies;

(B) the resources needed to lessen FAA Academy attrition per fiscal year;

(C) how to modernize the education and training of developmental air traffic controllers, including through the use of new techniques and technologies to support instruction, and whether field training can be administered more flexibly, such as at other Federal Aviation Administration locations across the country;

(D) the equipment needed to support expanded instruction, including air traffic control simulation systems, virtual reality, and other virtual training platforms;

(E) projected staffing needs associated with FAA Academy expansion and the operation of virtual education platforms, including the number of on-the-job instructors needed to educate and train additional developmental air traffic controllers;

(F) the use of existing Federal Aviation Administration-owned facilities and classroom space and identifying potential opportunities for new construction;

(G) the costs of—

(i) expanding Federal Aviation Administration capacity (as described in paragraph (1)(A)); and

(ii) establishing a second FAA Academy (as described in paragraph (1)(B));

(H) soliciting input from, and coordinating with, relevant stakeholders as appropriate, including the exclusive bargaining representative of air traffic control specialists of the Federal Aviation Administration certified under section 7111 of title 5, United States Code; and

(I) other logistical and financial considerations as determined by appropriate the Administrator.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the plan developed under subsection (a).

(c) BRIEFING.—Not later than 180 days after the submission of the plan under subsection (b), the Administrator shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the plan, including the implementation of the plan.

TITLE IX—NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS ACT OF 2023

SEC. 901. SHORT TITLE.

This title may be cited as the “National Transportation Safety Board Amendments Act of 2023”.

SEC. 902. AUTHORIZATION OF APPROPRIATIONS.

Section 1118(a) of title 49, United States Code, is amended to read as follows:

“(a) IN GENERAL.—There are authorized to be appropriated for the purposes of this chapter \$142,000,000 for fiscal year 2024, \$145,000,000 for fiscal year 2025, \$150,000,000 for fiscal year 2026, \$155,000,000 for fiscal year 2027, and \$161,000,000 for fiscal year 2028. Such sums shall remain available until expended.”.

SEC. 903. CLARIFICATION OF TREATMENT OF TERRITORIES.

Section 1101 of title 49, United States Code, is amended to read as follows:

“§ 1101. Definitions

“(a) IN GENERAL.—In this chapter:

“(1) ACCIDENT.—The term ‘accident’ includes damage to or destruction of vehicles in surface or air transportation or pipelines, regardless of whether the initiating event is accidental or otherwise.

“(2) STATE.—The term ‘State’ means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, the Northern Mariana Islands, and Guam.

“(b) APPLICABILITY OF OTHER DEFINITIONS.—Section 2101(23) of title 46 and section 40102(a) shall apply to this chapter.”.

SEC. 904. ADDITIONAL WORKFORCE TRAINING.

(a) TRAINING ON EMERGING TRANSPORTATION TECHNOLOGIES.—Section 1113(b)(1) of title 49, United States Code, is amended—

- (1) in subparagraph (I) by striking “; and” and inserting a semicolon;
- (2) in subparagraph (J) by striking the period and inserting “; and”; and
- (3) by adding at the end the following:

“(K) notwithstanding section 3301 of title 41, acquire training on emerging transportation technologies.”.

(b) ADDITIONAL TRAINING NEEDS.—Section 1115(d) of title 49, United States Code, is amended by inserting “and in those subjects furthering the personnel and workforce development needs set forth in the strategic workforce plan of the Board as required under section 1113(h)” after “of accident investigation”.

SEC. 905. ACQUIRING MISSION-ESSENTIAL KNOWLEDGE AND SKILLS.

Section 1113(b) of title 49, United States Code, is amended by adding at the end the following:

“(3) DIRECT HIRE AUTHORITY.—

“(A) IN GENERAL.—Notwithstanding section 3304 and sections 3309 through 3318 of title 5, the Chairman may, on a determination that there is a severe shortage of candidates or a critical hiring need for particular positions, recruit and directly appoint into the competitive service highly qualified personnel with specialized knowledge important to the function of the Board.

“(B) LIMITATION.—The authority granted under subparagraph (A) shall terminate on the date that is 5 years after the date of the enactment of this paragraph.

“(C) EXCEPTION.—The authority granted under subparagraph (A) shall not apply to positions in the excepted service or the Senior Executive Service.

“(D) REQUIREMENTS.—In exercising the authority granted under subparagraph (A), the Board shall ensure that any action taken by the Board—

- “(i) is consistent with the merit principles of section 2301 of title 5; and
- “(ii) complies with the public notice requirements of section 3327 of title 5.”.

SEC. 906. OVERTIME ANNUAL REPORT TERMINATION.

Section 1113(g)(5) of title 49, United States Code, is repealed.

SEC. 907. STRATEGIC WORKFORCE PLAN.

Section 1113 of title 49, United States Code, is amended by adding at the end the following:

“(h) STRATEGIC WORKFORCE PLAN.—

“(1) IN GENERAL.—The Board shall develop a strategic workforce plan that addresses the immediate and long-term workforce needs of the Board with respect to carrying out the authorities and duties of the Board under this chapter.

“(2) ALIGNING THE WORKFORCE TO STRATEGIC GOALS.—In developing the strategic workforce plan under paragraph (1), the Board shall take into consideration—

“(A) the current state and capabilities of the Board, including a high-level review of mission requirements, structure, workforce, and performance of the Board;

“(B) the significant workforce trends, needs, issues, and challenges with respect to the Board and the transportation industry;

“(C) the workforce policies, strategies, performance measures, and interventions to mitigate succession risks that guide the workforce investment decisions of the Board;

“(D) a workforce planning strategy that identifies workforce needs, including the knowledge, skills, and abilities needed to recruit and retain skilled employees at the Board;

“(E) a workforce management strategy that is aligned with the mission, goals, and organizational objectives of the Board;

“(F) an implementation system for workforce goals focused on addressing continuity of leadership and knowledge sharing across the Board;

“(G) an implementation system that addresses workforce competency gaps, particularly in mission-critical occupations; and

“(H) a system for analyzing and evaluating the performance of the Board’s workforce management policies, programs, and activities.

“(3) PLANNING PERIOD.—The strategic workforce plan developed under paragraph (1) shall address a 5-year forecast period, but may include planning for longer periods based on information about trends in the transportation sector.

“(4) PLAN UPDATES.—The Board shall update the strategic workforce plan developed under paragraph (1) not less than once every 5 years.

“(5) RELATIONSHIP TO STRATEGIC PLAN.—The strategic workforce plan developed under paragraph (1) may be developed separately from, or incorporated into, the strategic plan required under section 306 of title 5.

“(6) AVAILABILITY.—The strategic workforce plan under paragraph (1) and the strategic plan required under section 306 of title 5 shall be—

“(A) submitted to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate; and

“(B) made available to the public on a website of the Board.”.

SEC. 908. TRAVEL BUDGETS.

(a) IN GENERAL.—Section 1113 of title 49, United States Code, is further amended by adding at the end the following:

“(i) NONACCIDENT RELATED TRAVEL BUDGET.—

“(1) IN GENERAL.—The Board shall establish annual fiscal year budgets for non accident-related travel expenditures for each Board member which shall be incorporated into the annual budget request of the Board.

“(2) NOTIFICATION.—The Board shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of any non accident-related travel budget overrun for any Board member not later than 30 days of such overrun becoming known to the Board.”.

(b) CONFORMING AMENDMENT.—Section 9 of the National Transportation Safety Board Amendments Act of 2000 (49 U.S.C. 1113 note) is repealed.

SEC. 909. RETENTION OF RECORDS.

Section 1113 of title 49, United States Code, is further amended by adding at the end the following:

“(j) RETENTION OF RECORDS.—Notwithstanding chapters 21, 29, 31, and 33 of title 44, the Board may retain investigative records for such periods as determined by the Board.”.

SEC. 910. NONDISCLOSURE OF INTERVIEW RECORDINGS.

(a) IN GENERAL.—Section 1114 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in the subsection heading by striking “TRADE SECRETS” and inserting “CERTAIN CONFIDENTIAL INFORMATION”; and

(B) in paragraph (1)—

(i) by striking “The Board” and inserting “IN GENERAL.—The Board”; and

(ii) by striking “information related to a trade secret referred to in section 1905 of title 18” and inserting “confidential information described in section 1905 of title 18, including trade secrets;” and

(2) by adding at the end the following:

“(h) INTERVIEW RECORDINGS.—

“(1) IN GENERAL.—The Board may not publicly disclose any part of any audio or video recording of an interview of participants in, or witnesses to, an accident or incident investigated by the Board.

“(2) SAVINGS PROVISION.—Paragraph (1) shall not be construed to apply to transcripts or summaries of such interviews.”.

(b) AVIATION ENFORCEMENT.—Section 1151 of title 49, United States Code, is amended by adding at the end the following:

“(d) NOTIFICATION TO CONGRESS.—If the Board or Attorney General carry out such civil actions described in subsection (a) or (b) of this section against an airman employed at the time of the accident or incident by an air carrier operating under part 121 of title 14, Code of Federal Regulations, the Board shall immediately notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of such civil actions, including—

“(1) the labor union representing the airman involved, if applicable;

“(2) the air carrier at which the airman is employed;

“(3) the docket information of the incident or accident in which the airman was involved;

“(4) the date of such civil actions taken by the Board or Attorney General;

and

“(5) a description of why such civil actions were taken by the Board or Attorney General.

“(e) SUBSEQUENT NOTIFICATION TO CONGRESS.—Not later than 15 days after the notification described in subsection (d), the Board shall submit a report to or brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the status of compliance with the civil actions taken.”.

SEC. 911. CLOSED UNACCEPTABLE RECOMMENDATIONS.

Section 1116(c) of title 49, United States Code, is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(2) by inserting after paragraph (2) the following:

“(3) a list of each recommendation made by the Board to the Secretary of Transportation or the Commandant of the Coast Guard that was closed in an unacceptable status in the preceding 12 months;”.

SEC. 912. ESTABLISHMENT OF OFFICE OF OVERSIGHT, ACCOUNTABILITY, AND QUALITY ASSURANCE.

(a) IN GENERAL.—Subchapter II of chapter 11 of title 49, United States Code, is amended by adding at the end the following:

“§ 1120. Office of Oversight, Accountability, and Quality Assurance

“(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this section, the Board shall establish in the National Transportation Safety Board an Office of Oversight, Accountability, and Quality Assurance to provide oversight of the duties and responsibilities of the Board.

“(b) DIRECTOR.—

“(1) APPOINTMENT.—The head of the Office of Oversight, Accountability, and Quality Assurance shall be the Director, who shall be appointed by the Chairman of the Board and shall be approved by the Board.

“(2) QUALIFICATIONS.—The Director shall have demonstrated ability in investigations.

“(3) TERM.—The Director shall be appointed for a term of 5 years.

“(4) VACANCIES.—Any individual approved to fill a vacancy in the position of the Director occurring before the expiration of the term for which the predecessor of the individual was approved shall be approved for the remainder of the term or for a new term.

“(c) DUTIES.—The Director shall—

“(1) establish and ensure policies that promote integrity, efficiency, and effectiveness;

“(2) prevent and detect waste, fraud, and abuse in programs and operations;

“(3) provide policy direction related to the conduct, supervision, and coordination of audits and investigations relating to the activities of the Board;

“(4) identify trends and systemic issues within the agency and create strategies and recommendations to address such issues;

“(5) conduct impartial information gathering about complaints or concerns, and ensure the Board is meeting any quality and timeliness standards; and

“(6) not conduct any of the duties under this subsection in a manner that interferes with an ongoing safety investigation of the Board.

“(d) REPORTING CRIMINAL VIOLATIONS TO DEPARTMENT OF JUSTICE.—If the Director has reasonable grounds to believe that there has been a violation of Federal criminal law, the Director shall refer the matter to the Department of Justice.

“(e) SAVINGS CLAUSE.—Nothing in this section shall be construed to interfere or give the Office jurisdiction over any active investigation by the Board or the content of products approved by a vote of the Board.

“(f) ANNUAL REPORT.—

“(1) IN GENERAL.—The Director shall submit to the Board, the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an annual report on the activities, investigations, findings, and recommendations of the Director.

“(2) SUNSET.—This subsection shall cease to have effect on October 1, 2028.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 11 of title 49, United States Code, is amended by adding after the item relating to section 1119 the following:

“1120. Office of Oversight, Accountability, and Quality Assurance.”.

(c) PEER REVIEW.—Not earlier than 3 years after the date of enactment of this Act and not later than 5 years after the date of enactment of this Act, the Director of the Office of Oversight, Accountability, and Quality Assurance of the National Transportation Safety Board shall enter into the necessary arrangements with an inspector general, or similar Federal entity, to perform a peer review of the Office.

SEC. 913. MISCELLANEOUS INVESTIGATIVE AUTHORITIES.

(a) HIGHWAY INVESTIGATIONS.—Section 1131(a)(1)(B) of title 49, United States Code, is amended by striking “selects in cooperation with a State” and inserting “selects, concurrent with any State investigation”.

(b) RAIL INVESTIGATIONS.—Section 1131(a)(1)(C) of title 49, United States Code, is amended by striking “accident in which there is a fatality or substantial property damage, or that involves a passenger train” and inserting “accident, including a railroad grade crossing or trespasser accident that the Board selects, or in which there is otherwise a fatality or substantial property damage, or that involves a passenger train”.

SEC. 914. PUBLIC AVAILABILITY OF ACCIDENT REPORTS.

Section 1131(e) of title 49, United States Code, is amended by striking “public at reasonable cost.” and inserting the following: “public

“(1) in printed form at reasonable cost; and

“(2) in electronic form at no cost in a publicly accessible database on a website of the Board.”.

SEC. 915. ENSURING ACCOUNTABILITY FOR TIMELINESS OF REPORTS.

Section 1131 of title 49, United States Code, is amended by adding at the end the following:

“(f) TIMELINESS OF REPORTS.—If any accident report under subsection (e) is not completed within 2 years from the date of the accident, the Board shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report identifying such accident report and the reasons for which such report has not been completed. The Board shall report progress toward completion of the accident report to each such Committees every 90 days thereafter, until such time as the accident report is completed.”.

SEC. 916. ENSURING ACCESS TO DATA.

Section 1134 of title 49, United States Code, is amended by adding at the end the following:

“(g) RECORDERS AND DATA.—In investigating an accident under this chapter, the Board may—

“(1) obtain any recorder or recorded information pertinent to the accident;

“(2) require a manufacturer or the vendors, suppliers, or affiliates of such manufacturer, to provide to the Board, without delay, information the Board determines necessary to enable the Board to read and interpret any recording device or recorded information pertinent to the accident; and

“(3) require a manufacturer or the vendors, suppliers, or affiliates of such manufacturer, to provide to the Board, without delay, data and other intellectual property the Board determines necessary to enable the Board to perform independent physics-based simulations and analyses of the accident situation.”.

SEC. 917. PUBLIC AVAILABILITY OF SAFETY RECOMMENDATIONS.

Section 1135(c) of title 49, United States Code, is amended by striking “public at reasonable cost.” and inserting the following: “public—

“(1) in printed form at reasonable cost; and

“(2) in electronic form in a publicly accessible database on a website of the Board at no cost.”.

SEC. 918. IMPROVING DELIVERY OF FAMILY ASSISTANCE.

(a) AIRCRAFT ACCIDENTS.—Section 1136 of title 49, United States Code, is amended—

(1) in the heading by striking “**to families of passengers involved in aircraft accidents**” and inserting “**to passengers involved in aircraft accidents and families of such passengers**”;

(2) in subsection (a)—

(A) by inserting “within United States airspace or airspace delegated to the United States” after “aircraft accident”;

(B) by striking “National Transportation Safety Board shall” and inserting “Board shall”; and

(C) in paragraph (2)—

(i) by striking “emotional care and support” and inserting “emotional, psychological, and spiritual care and support services”; and

(ii) by striking “the families of passengers involved in the accident” and inserting “passengers involved in the accident and the families of such passengers”;

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “the families of passengers involved in the accident” and inserting “passengers involved in the accident and the families of such passengers”;

(B) in paragraph (1) by striking “mental health and counseling services” and inserting “emotional, psychological, and spiritual care and support services”;

(C) in paragraph (3)—

(i) by striking “the families who have traveled to the location of the accident” and inserting “passengers involved in the accident and the families of such passengers who have traveled to the location of the accident”; and

(ii) by inserting “passengers and” before “affected families”; and

(D) in paragraph (4), by inserting “passengers and” before “families”;

(4) by amending subsection (d) to read as follows:

“(d) PASSENGER LISTS.—

“(1) REQUESTS FOR PASSENGER LISTS BY THE DIRECTOR OF FAMILY SERVICES.—

“(A) REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.—It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the air carrier or foreign air carrier involved in the accident a passenger list, which is based on the best available information at the time of the request.

“(B) USE OF INFORMATION.—The director of family support services may not release to any person information on a list obtained under subparagraph (A), except that the director may, to the extent the director considers appropriate, provide information on the list about a passenger to—

“(i) the family of the passenger; or

“(ii) a local, State, or Federal agency responsible for determining the whereabouts or welfare of a passenger.

“(2) REQUESTS FOR PASSENGER LISTS BY DESIGNATED ORGANIZATION.—

“(A) REQUESTS BY DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) may request from the air carrier or foreign air carrier involved in the accident a passenger list.

“(B) USE OF INFORMATION.—The designated organization may not release to any person information on a passenger list but may provide information on the list about a passenger to the family of the passenger to the extent the organization considers appropriate.”;

(5) in subsection (g)(1) by striking “the families of passengers involved in the accident” and inserting “passengers involved in the accident and the families of such passengers”;

(6) in subsection (g)(3)—

(A) in the paragraph heading by striking “PREVENT MENTAL HEALTH AND COUNSELING” and inserting “PREVENT CERTAIN CARE AND SUPPORT”;

(B) by striking “providing mental health and counseling services” and inserting “providing emotional, psychological, and spiritual care and support”;

and

(C) by inserting “passengers and” before “families”;

(7) in subsection (h)—

(A) by striking “National Transportation Safety”; and

(B) by adding at the end the following:

“(3) PASSENGER LIST.—The term ‘passenger list’ means a list based on the best available information at the time of a request, of the name of each passenger aboard the aircraft involved in the accident.”; and

(8) in subsection (i) by striking “the families of passengers involved in an aircraft accident” and inserting “passengers involved in the aircraft accident and the families of such passengers”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 11 of title 49, United States Code, is further amended by striking the item relating to section 1136 and inserting the following:

“1136. Assistance to passengers involved in aircraft accidents and families of such passengers.”.

(c) RAIL ACCIDENTS.—Section 1139 of title 49, United States Code, is amended—

(1) in the heading by striking “**to families of passengers involved in rail passenger accidents**” and inserting “**to passengers involved in rail passenger accidents and families of such passengers**”;

(2) in subsection (a) by striking “National Transportation Safety Board shall” and inserting “Board shall”;

(3) in subsection (a)(2)—

(A) by striking “emotional care and support” and inserting “emotional, psychological and spiritual care and support services”; and

(B) by striking “the families of passengers involved in the accident” and inserting “passengers involved in the accident and the families of such passengers”;

(4) in subsection (c)—

(A) in the matter preceding paragraph (1) by striking “the families of passengers involved in the accident” and inserting “passengers involved in the accident and the families of such passengers”;

(B) in paragraph (1) by striking “mental health and counseling services” and inserting “emotional, psychological, and spiritual care and support services”;

(C) in paragraph (3)—

(i) by striking “the families who have traveled to the location of the accident” and inserting “passengers involved in the accident and the families of such passengers who have traveled to the location of the accident”; and

(ii) by inserting “passengers and” before “affected families”; and

(D) in paragraph (4), by inserting “passengers and” before “families”;

(5) by amending subsection (d) to read as follows:

“(d) PASSENGER LISTS.—

“(1) REQUESTS FOR PASSENGER LISTS BY THE DIRECTOR OF FAMILY SERVICES.—

“(A) REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.—It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the rail passenger carrier involved in the accident a passenger list, which is based on the best available information at the time of the request.

“(B) USE OF INFORMATION.—The director of family support services may not release to any person information on a list obtained under subparagraph (A), except that the director may, to the extent the director considers appropriate, provide information on the list about a passenger to—

“(i) the family of the passenger; or

“(ii) a local, State, or Federal agency responsible for determining the whereabouts or welfare of a passenger.

“(2) REQUESTS FOR PASSENGER LISTS BY DESIGNATED ORGANIZATION.—

“(A) REQUESTS BY DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) may request from the rail passenger carrier involved in the accident a passenger list.

“(B) USE OF INFORMATION.—The designated organization may not release to any person information on a passenger list but may provide information on the list about a passenger to the family of the passenger to the extent the organization considers appropriate.”;

(6) in subsection (g)(1), by striking “the families of passengers involved in the accident” and inserting “passengers involved in the accident and the families of such passengers”;

(7) in subsection (g)(3)—

(A) in the paragraph heading, by striking “PREVENT MENTAL HEALTH AND COUNSELING” and inserting “PREVENT CERTAIN CARE AND SUPPORT”;

(B) by striking “providing mental health and counseling services” and inserting “providing emotional, psychological, and spiritual care and support”;

and
(C) by inserting “passengers and” before “families”; and

(8) in subsection (h)—

(A) by striking “National Transportation Safety”; and

(B) by adding at the end the following:

“(4) PASSENGER LIST.—The term ‘passenger list’ means a list based on the best available information at the time of the request, of the name of each passenger aboard the rail passenger carrier’s train involved in the accident. A rail passenger carrier shall use reasonable efforts, with respect to its unreserved trains, and passengers not holding reservations on its other trains, to ascertain the names of passengers aboard a train involved in an accident.”.

(d) PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.—Section 24316(a) of title 49, United States Code, is amended by striking “a major” and inserting “any”.

(e) CLERICAL AMENDMENT.—The analysis for chapter 11 of title 49, United States Code, is further amended by striking the item relating to section 1139 and inserting the following:

“1139. Assistance to passengers involved in rail passenger accidents and families of such passengers.”.

SEC. 919. UPDATING CIVIL PENALTY AUTHORITY.

Section 1155 of title 49, United States Code, is amended—

(1) in the heading, by striking “**Aviation penalties**” and inserting “**Penalties**”; and

(2) in subsection (a), by striking “or section 1136(g) (related to an aircraft accident)” and inserting “section 1136(g), or 1139(g)”.

SEC. 920. ELECTRONIC AVAILABILITY OF PUBLIC DOCKET RECORDS.

(a) **IN GENERAL.**—Not later than 24 months after the date of enactment of this Act, the National Transportation Safety Board shall make all records included in the public docket of an accident or incident investigation conducted by the Board (or the public docket of a study, report, or other product issued by the Board) electronically available in a publicly accessible database on a website of the Board, regardless of the date on which such public docket or record was created.

(b) **DATABASE.**—In carrying out subsection (a), the Board may utilize the multimodal accident database management system established pursuant to section 1108 of the FAA Reauthorization Act of 2018 (49 U.S.C. 1119 note) or such other publicly available database as the Board determines appropriate.

(c) **BRIEFINGS.**—The Board shall provide the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an annual briefing on the implementation of this section until requirements of subsection (a) are fulfilled. Such briefings shall include—

(1) the number of public dockets that have been made electronically available pursuant to this section; and

(2) the number of public dockets that were unable to be made electronically available, including all reasons for such inability.

(d) **DEFINITIONS.**—In this section, the terms “public docket” and “record” have the same meanings given such terms in section 801.3 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act.

SEC. 921. DRUG-FREE WORKPLACE.

Not later than 12 months after the date of enactment of this Act, the National Transportation Safety Board shall implement a drug testing program applicable to Board employees, including employees in safety or security sensitive positions, in accordance with Executive Order 12564 (51 Fed. Reg. 32889).

SEC. 922. ACCESSIBILITY IN WORKPLACE.

(a) **IN GENERAL.**—Not later than 12 months after the date of enactment of this Act, the National Transportation Safety Board shall conduct an assessment of the headquarters and regional offices of the Board to determine barriers to accessibility to facilities.

(b) **CONTENTS.**—In conducting the assessment under subsection (a), the Board shall consider—

(1) compliance with—

(A) the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) and the corresponding accessibility guidelines established under part 1191 of title 36, Code of Federal Regulations; and

(B) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); and

(2) the best accessibility practices that exceed the requirements and recommendations of the Acts and guidelines described in paragraph (1).

SEC. 923. MOST WANTED LIST.

(a) **TERMINATION OF PUBLICATION.**—Not later than 90 days after the date of enactment of this Act, the Chairman of the National Transportation Safety Board shall terminate publication of the Most Wanted List and any activities associated with production of any future Most Wanted List.

(b) **RULES OF CONSTRUCTION.**—Nothing in this section shall be construed to prohibit the Board from—

(1) conducting advocacy activities unrelated to the Most Wanted List that the Board had the authority to conduct prior to the date of enactment of this Act; and

(2) maintaining materials related to previously issued Most Wanted Lists.

(c) **MOST WANTED LIST DEFINED.**—In this section, the term “Most Wanted List” has the meaning given such term in section 1102 of the FAA Reauthorization Act of 2018 (49 U.S.C. 1101 note).

SEC. 924. TECHNICAL CORRECTIONS.

(a) EVALUATION AND AUDIT OF NATIONAL TRANSPORTATION SAFETY BOARD.—Section 1138(a) of title 49, United States Code, is amended by striking “expenditures of the National Transportation Safety” and inserting “expenditures of the”.

(b) ORGANIZATION AND ADMINISTRATIVE.—The analysis for chapter 11 of title 49, United States Code, is further amended—

(1) by striking the items relating to sections 117 and 1117; and

(2) by inserting after the item relating to section 1116 the following:

“1117. Methodology.”

(c) SURFACE TRANSPORTATION BOARD.—The analysis for subtitle II of title 49, United States Code, is amended by inserting after the item relating to chapter 11 the following:

“13. Surface Transportation Board.”

TITLE X—FREEDOM TO FLY ACT OF 2023

SECTION 1001. SHORT TITLE.

This title may be cited as the “Freedom to Fly Act of 2023”.

SEC. 1002. PROHIBITION ON IMPLEMENTATION OF VACCINATION MANDATE.

The Administrator may not implement or enforce any requirement that employees of air carriers be vaccinated against COVID–19.

SEC. 1003. PROHIBITION ON VACCINATION REQUIREMENTS FOR FAA CONTRACTORS.

The Administrator may not require any contractor to mandate that employees of such contractor obtain a COVID–19 vaccine or enforce any condition regarding COVID–19 vaccination status of employees of a contractor.

SEC. 1004. PROHIBITION ON VACCINE MANDATE FOR FAA EMPLOYEES.

The Administrator may not implement or enforce any requirement that employees of the Administration be vaccinated against COVID–19.

SEC. 1005. PROHIBITION ON VACCINE MANDATE FOR PASSENGERS OF AIR CARRIERS.

The Administrator may not implement or enforce any requirement that passengers of air carriers be vaccinated against COVID–19.

SEC. 1006. PROHIBITION ON IMPLEMENTATION OF A MASK MANDATE.

The Administrator may not implement or enforce any requirement that employees of air carriers wear a mask.

SEC. 1007. PROHIBITION ON MASK MANDATES FOR FAA CONTRACTORS.

The Administrator may not require any contractor to mandate that employees of such contractor wear a mask.

SEC. 1008. PROHIBITION ON MASK MANDATE FOR FAA EMPLOYEES.

The Administrator may not implement or enforce any requirement that employees of the Administration wear a mask.

SEC. 1009. PROHIBITION ON MASK MANDATE FOR PASSENGERS OF AIR CARRIERS.

The Administrator may not implement or enforce any requirement that passengers of air carriers wear a mask.

SEC. 1010. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term “Administration” means the Administrator of the Federal Aviation Administration.

(2) AIR CARRIER.—The term “air carrier” has the meaning given such term in section 40102 of title 49, United States Code.

PURPOSE OF LEGISLATION

The purpose of H.R. 3935 is to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Aviation is a significant driver of economic growth and a major component of the national transportation system in the United

States. Since the invention of aviation by the Wright Brothers in 1903, the United States has led the world in aviation safety and innovation. However, the United States' leadership status is being threatened by increasing global competition, rapid developments in technology, aviation workforce challenges, and outdated processes and systems within the Federal Aviation Administration (FAA). The aviation industry is still working to fully recover from the detrimental effects of the COVID-19 pandemic, while striving to meet surging consumer demand. It is critical to the long-term success of American aviation that the FAA has the necessary tools and resources to keep pace with the rapidly advancing aviation sector, and serve all regulated entities in a safe, timely and efficient manner.

SECURING GROWTH AND ROBUST LEADERSHIP IN
AMERICAN AVIATION ACT

H.R. 3935, the *Securing Growth and Robust Leadership in American Aviation (SGRLAA) Act*, is a comprehensive, bipartisan FAA reauthorization bill that will provide long-term stability across the Nation's aviation system; restructure the FAA to improve efficiency; strengthen the United States' general aviation community; encourage growth in the aviation workforce; make targeted investment in airport infrastructure across the country; ensure America continues to set the world's "Gold Standard" in aviation safety; foster the development and safe integration of aviation innovations into the airspace; and improve the aviation experience for the travelling public.

i. FAA Organizational Reform

The FAA's growing responsibilities and activities are managed by a group of executives, most of whom manage offices of staff to perform such work. The effective cooperation and organization of this executive team ultimately determine the success of the agency. It is important that each executive has clear authority and responsibility over certain aspects of the FAA's mission, the work of each executive office is unique, and work products and decision-making flow throughout the organization without unnecessary delays. It is also important that in the absence of confirmed leadership, the agency retains the ability to meet its mission workload, minimizes consequential impacts to its employees, and retains critical institutional knowledge.

The *SGRLAA Act* addresses these concerns by making targeted organizational reforms to provide additional leadership in core areas, while removing positions and requirements within the agency that are no longer necessary or are a poor use of FAA resources. The Act increases the scrutiny and support provided to important tasks such as rulemaking, innovation, and providing support for regulated entities, while increasing the overall focus on aerospace safety.

ii. General Aviation

General aviation is a critical component of the aviation system and is an important part of our National economy. General aviation activities include training of new pilots and pilots interested in additional ratings or certifications, aerial firefighting, air tourism,

crop dusting and surveying, movement of heavy loads by helicopter, experimental and sport flying, flying for personal or business reasons, and emergency medical services. This bill includes the first standalone title of any FAA reauthorization bill dedicated to addressing long-standing general aviation issues, as well as makes targeted changes in the general aviation ecosystem to improve the efficiency and outlook for the American aviation industry's long-term success.

iii. Aviation Workforce

Aviation contributes significantly to domestic and international economies. A recent FAA report notes that in 2019, civil aviation contributed 4.9 percent of the United States gross domestic product, generated \$1.9 trillion in total economic activity, and supported nearly 10.4 million American jobs.¹ Domestic air carrier passenger growth is forecasted to average 4.7 percent per year over the next 20 years.² This average projected growth includes double digit growth in 2022 and 2023, prompting some aviation stakeholders to raise concerns about whether there will be sufficient workers to meet both present-day and future demand. Although the air transportation sector faced an unparalleled need for talent, especially for pilots, before the COVID-19 pandemic, the workforce challenges facing the industry today remain acute across the board. This bill addresses challenges facing the aerospace workforce by growing the talent pipeline and making key investments in workforce training and retention to ensure the aerospace workforce is capable of meeting demand for decades to come.

iv. Airport Infrastructure

Federal investment in our Nation's commercial service and general aviation airport infrastructure is vital to ensuring the safety and economic success of the aviation industry. For too long, funding for the primary Federal airport capital program, the Airport Improvement Program (AIP), has remained stagnant while increasing program administrative burdens and growing airport infrastructure needs reduced the program's effectiveness. The *SGRLAA Act* will revitalize AIP by increasing its funding to \$4 billion annually and removing many outdated and unnecessary restrictions that have made it difficult for some airports to plan and build the facilities they need. The bill also contains the first comprehensive aviation environmental streamlining provisions in the last two decades, ensuring that necessary airport projects are completed in an efficient manner, while ensuring that all Federal environmental requirements are adhered to. Furthermore, the bill significantly bolsters an airports' ability to invest in critical environmental projects by creating AIP eligibility for environmental resiliency projects, expanding the Voluntary Airport Low Emission (VALE) program to all commercial airports, and increasing other environmental project funding under AIP.

¹ FAA, THE ECONOMIC IMPACT OF U.S. CIVIL AVIATION: 2020 (Aug. 2022), available at https://www.faa.gov/sites/faa.gov/files/2022-08/2022-APL-038%202022_economic%20impact_report.pdf.

² FAA, FAA AEROSPACE FORECAST FISCAL YEARS 2022-2042 at 2 (June 28, 2022), available at https://www.faa.gov/sites/faa.gov/files/2022-06/FY2022_42_FAA_Aerospace_Forecast.pdf.

v. Safety

The primary mission of the FAA is ensuring civil aviation safety. Through this mission, the United States has set the “Gold Standard” for aviation safety around the world. The FAA has the responsibility to certify, monitor and regulate the safety of the civil aviation sector, including airlines, general aviation, unmanned aircraft systems (UAS), airports, commercial space transportation, repair stations, and aircraft manufacturers, as well as to establish licensing and training requirements for pilots and other aviation related professionals.

Aviation safety in the United States has greatly improved over the last decade. Since 2012, there have been three passenger fatalities on scheduled domestic passenger air carriers, compared to the decade prior, which saw 140 passenger fatalities.³ General aviation has also become safer, with the number of fatal and nonfatal accidents trending downward since 2000, though improvements can still be made.⁴ Despite these marked advancements, recent runway safety events demonstrate that consistent attention and improvements are needed to maintain the Nation’s consistent safety standards. The *SGRLAA Act* accomplishes this by requiring a proactive management strategy to mitigate surface safety risks, improving the FAA’s certification processes, enhancing aviation safety data sharing, and addressing operational and cybersecurity risks.

vi. Unmanned Aircraft Systems

Aviation innovation has played a vital role in the aerospace sector and has contributed to the improvement of aviation safety as a whole. Significant advancements in emerging technologies, like unmanned aircraft systems (UAS), have the potential to benefit the general public and continue improving aviation safety. The advanced operations of unmanned aircraft systems, particularly beyond visual line of sight operations, are poised to revolutionize people’s daily lives, whether it’s through expanding healthcare services, bolstering public safety efforts, or expediting emergency response. Moreover, UAS operations hold promise by offering safer and more cost-effective methods for inspecting infrastructure and delivering consumer goods.

Ultimately, fostering the development of advanced UAS operations aims to assist a wide range of individuals, and this bill seeks to achieve that objective. Among its provisions, the *SGRLAA Act* requires the appropriate regulatory framework to allow UAS to safely operate in our airspace—providing regulatory certainty to this growing sector. This bill also ensures that the important voices of local communities and current airspace users are heard as new entrants emerge in United States airspace.

vii. Advanced Air Mobility

American innovation in aviation is not limited to the introduction of unmanned aircraft. The aviation industry is beginning to leverage alternative fuel types, improvements in battery density and chemistry, advanced materials, and new methods of propulsion in

³NTSB, U.S. CIVIL AVIATION STATISTICS (2021), available at <https://www.ntsb.gov/safety/Pages/research.aspx>, (last visited Jan. 31, 2023).

⁴BUREAU OF TRANSP. STATISTICS, U.S. GENERAL AVIATION SAFETY DATA, available at <https://www.bts.gov/content/us-general-aviation-safety-data> (last visited Jan. 31, 2023).

order to design revolutionary aircraft. However, these aircraft are straining the processes the FAA uses to determine airworthiness and operational safety, and may likely challenge some of the conventional ways the FAA manages the airspace. These new aircraft types will require investments in infrastructure and a different method of supporting services.

The *SGRLAA Act* ensures the FAA develops and implements the rules needed to allow for the safe introduction of powered-lift aircraft into service and the processes and guidance necessary to support these operations. The Act then requires the FAA to pivot towards long-term planning (in coordination with other relevant Federal agencies) and establish permanent regulations governing powered-lift aircraft. Furthermore, this bill extends grants for state and local governments to plan for the deployment of infrastructure that supports AAM operations in communities.

viii. Passenger Experience

For most commercial airline passengers, the air transportation journey often begins at the curb of the departure airport and ends at their destination. A passenger's unique air travel experience is affected by a myriad of factors including airlines, airports, airport contractors and vendors, and air traffic management systems and operations. The COVID-19 pandemic caused major difficulties for the entire U.S. aviation sector. For instance, from January 2020 to April 2020, airline revenue passenger miles fell by 96 percent.⁵ As COVID-19 restrictions began to lift, air carriers experienced a greater than anticipated increase in demand for air travel, leading to capacity and staffing constraints and posing significant operational challenges, which subsequently increased air travel consumer complaints.

The Committee recognizes the multifaceted role the aviation system plays in a passengers' air travel journey. The *SGRLAA Act* makes improvements to the comprehensive passenger experience by codifying consumer protection provisions of the Department of Transportation (DOT), modernizing the consumer complaint submission process, and streamlining offline ticket price and fee disclosures. Furthermore, the *SGRLAA Act* mandates a review of methods to report flight delay and cancellation statistics, requires airline operational resiliency plans, ensures children ages 13 and under can sit next to a parent on a flight at no additional cost, and makes key improvements to the flying experience for passengers with disabilities.

ix. Small Community Air Service

The Essential Air Service Program (EAS) and the Small Community Air Service Development Program (SCASDP) play an important role in connecting rural communities to the rest of the country and the world. However, the Committee remains concerned about the increased cost of the EAS program and the efficacy of the SCASDP. The *SGRLAA Act* makes targeted reforms to reduce EAS program costs and ensure the future viability of the program with-

⁵*Air Passenger Revenue Miles, Federal Reserve Bank of St. Louis, available at <https://fred.stlouisfed.org/series/AIRRPMTSID11>.*

out a drastic impact to existing services. It also makes modest reforms to the SCASDP to improve its effectiveness.

x. Air Traffic Management

Air traffic management (ATM) is a critical element of aviation and has a substantial impact on air travel and the passenger experience. A well-functioning national airspace system not only stimulates the economy but also improves the overall experience for all airspace users. However, the current state of the air traffic control system is strained, with limited access to airspace for users, particularly emerging new airspace users, and insufficient progress in projects to increase air traffic efficiency. This bill aims to tackle these challenges by directing the FAA's attention towards key objectives including streamlining access to special use airspace and prioritizing air traffic management projects to enhance efficiency. This bill also includes a comprehensive review of the national airspace system, with a focus on improving the efficiency of key processes and operations, addressing air traffic controller staffing challenges, and increasing flexibility to all airspace users.

xi. National Transportation Safety Board (NTSB)

The NTSB is an independent Federal investigator of transportation accidents, including all aircraft incidents and accidents. The NTSB makes safety recommendations to the Secretary of Transportation and others based on the findings of these investigations. Furthermore, the NTSB oversees pilot certification appeals and fulfills the important role of providing assistance to victims of transportation accidents and their families. The SGRLAA Act ensures the NTSB can continue its important mission by addressing the workforce needs of the agency, ensuring timely access of investigation reports, and improving delivery of family assistance.

HEARINGS

For the purposes of rule XIII, clause 3(c)(6)(A) of the 118th Congress the following hearings were used to develop or consider H.R. 3935:

On February 7, 2023, the Committee on Transportation and Infrastructure held a hearing entitled "*FAA Reauthorization: Enhancing America's Gold Standard in Aviation Safety.*" The Committee received testimony from Mr. David Boulter, Acting Associate Administrator for Aviation Safety, Federal Aviation Administration (FAA); the Hon. Jennifer Homendy, Chair, National Transportation Safety Board; Capt. Jason Ambrosi, President, Air Line Pilots Association, International; Mr. Pete Bunce, President and Chief Executive Officer, General Aviation Manufacturers Association; Mr. Ed Bolen, President and Chief Executive Officer, National Business Aviation Association; and, Dr. Kerry Buckley, Vice President, Center for Advanced Aviation System Development, MITRE Corporation. This hearing focused on improving safety across the National Airspace System in advance of Congress acting to reauthorize the FAA's statutory authorities.

On Thursday, March 9, 2023, the Subcommittee on Aviation held a hearing entitled "*FAA Reauthorization: Securing the Future of General Aviation.*" At the hearing Members received testimony from Mark Baker, President and Chief Executive Officer, Aircraft

Owners and Pilots Association (AOPA); Jack Pelton, Chief Executive Officer and Chairman of the Board, Experimental Aircraft Association (EAA); Rick Crider, Executive Vice President of Airport/Railport & Military Relations, Port San Antonio, on behalf of the American Association of Airport Executives (AAAE); and Curt Castagna, President and Chief Executive Officer, National Air Transportation Association (NATA). This hearing examined challenges facing the general aviation community in advance of Congress acting to reauthorize the FAA's statutory authorities. Members heard from stakeholders of the general aviation community on issues and potential legislative solutions prior to the introduction of the FAA reauthorization bill.

On Thursday, March 23, 2023, the Subcommittee on Aviation held a hearing entitled "*FAA Reauthorization: Navigating the Comprehensive Passenger Experience*." At the hearing, Members received testimony from Ms. Sharon Pinkerton, Senior Vice President, Legislative and Regulatory Policy, Airlines for America (A4A); Mr. Kevin Dolliole, Director of Aviation, Louis Armstrong New Orleans International Airport on behalf of Airports Council International-North America (ACI NA); Mr. Rich Santa, President, the National Air Traffic Controllers Association (NATCA); and Dr. Lee Page, Senior Associate Director of Advocacy, Paralyzed Veterans of America (PVA). The hearing focused on a comprehensive assessment of the airline passenger experience—analyzing the air transportation system, from the time a passenger arrives at the departure airport to the time the passenger departs from the destination airport.

On Thursday, March 30, 2023, the Subcommittee on Aviation held a hearing entitled "*FAA Reauthorization: Harnessing the Evolution of Flight to Deliver for the American People*." At the hearing, Members received testimony from two panels of witnesses. The first panel comprised of Mr. Adam Woodworth, Chief Executive Officer, Wing; Dr. Catherine Cahill, Ph.D., Director, Alaska Center for UAS Integration, University of Alaska Fairbanks; Ms. Roxana Kennedy, Chief of Police, Chula Vista Police Department; and Dr. Stuart Ginn, M.D., Medical Director for WakeMed Health and Hospitals. This panel focused on the certification, operations, and safe integration of new entrants into the National Airspace System (NAS) in advance of Congress acting to reauthorize the Federal Aviation Administration's (FAA) statutory authorities. Members heard from stakeholders within the healthcare, law enforcement, consumer delivery, and test and evaluation industries and the potential legislative solutions for integrating UAS into the NAS.

The second panel comprised of Mr. Kyle Clark, Founder & CEO, Beta Technologies; Mr. JoeBen Bevirt, Founder & CEO, Joby Aviation; Mr. Christopher Bradshaw, CEO, Bristow Group *on behalf of the Helicopter Association International*; and Mr. Clint Harper, advanced air mobility expert and community advocate. The second panel's testimony focused on the introduction of electric and powered-lift aircraft into the NAS. Witnesses provided testimony on the work the FAA needs to complete ahead of entry-into-service of these aircraft and the apparent lack of concrete requirements and standards from the agency related to certification and operations. The panelists also provided an overview of efforts the industry and other levels of government are taking to build, permit, and prepare

the necessary infrastructure to support the introduction of electric aircraft.

On Wednesday, April 19, 2023, the Subcommittee held a hearing entitled “*FAA Reauthorization: Examining the Current and Future Challenges Facing the Aerospace Workforce.*” At the hearing, Members received testimony from Ms. Faye Malarkey Black, President and Chief Executive Officer, Regional Airline Association (RAA); Dr. Sharon B. DeVivo, President, Vaughn College of Aeronautics and Technology; Mr. Brad Thress, President and Chief Executive Officer, FlightSafety International (FSI); Ms. Heather Krause, Director, Physical Infrastructure, Government and Accountability Office (GAO); and Captain Jason Ambrosi, President, Air Line Pilots Association, International. The hearing examined the current state of the United States’ aerospace workforce, challenges facing future industry needs, implementation of the workforce-related provisions in the *FAA Reauthorization Act of 2018* and proposed solutions.

LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 3935, the “*Securing Growth and Robust Leadership in American Aviation Act*”, was introduced in the United States House of Representatives on June 9, 2023, by Rep. Sam Graves (R–MO), Rep. Rick Larsen (D–WA), Rep. Garret Graves (R–LA), and Rep. Steve Cohen (D–TN) and referred to the Committee on Transportation and Infrastructure. Within the Committee on Transportation and Infrastructure, H.R. 3935 was referred to the Subcommittee on Aviation. The Subcommittee on Aviation was discharged from further consideration of H.R. 3935 on June 13, 2023.

The Committee considered H.R. 3935 on June 13, 2023, and June 14, 2023, and ordered the measure to be reported to the House with a favorable recommendation, with amendment, by recorded vote of 63 yeas to 0 nays on June 14, 2023.

The following amendments were offered:

An Amendment in the Nature of a Substitute to H.R. 3935, offered by Mr. Graves of Missouri was AGREED TO, as amended, by voice vote.

Manager’s Amendment to the Amendment in the Nature of a Substitute to H.R. 3935, offered by Mr. Graves of Missouri (ANS 1) was AGREED TO by voice vote.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Ms. Norton (Norton 058) (ANS 2); Page 346, line 24, strike “and”. Page 347, line 2, strike the period at the end and insert “; and”. Page 347, after line 2, insert the following: (4) the head of any agency or department of the Federal Government, including the President or the Vice President, that travels by rotorcraft over the District of Columbia.; was NOT AGREED TO by voice vote.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Perry (Perry 208) (ANS 3); At the end of title VII, add the following: SEC.____. REPEAL OF ESSENTIAL AIR SERVICE PROGRAM. Subchapter II of chapter 417 of title 49, United States Code, and the item relating to such subchapter in

the analysis for chapter 417 of title 49, United States Code, are repealed.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mrs. Napolitano (Napolitano 012) (ANS 4); At the end of subtitle A of title IV, add the following: SEC. 11. AVIATION EXCISE FUEL TAX. (a) IN GENERAL.—Section 47107(b) of title 49, United States Code, is amended—(1) in paragraph (1) by striking “local taxes” and inserting “State and local excise taxes”; and (2) by adding at the end the following: “(4) This subsection shall not apply to State or local general sales taxes nor to State or local generally applicable sales taxes.”. (b) REVENUES.—Section 47133 of title 49, United States Code, is amended—(1) in subsection (a) by striking “Local taxes” and inserting “State and local excise taxes”; and (2) by adding at the end the following: “(d) LIMITATION ON APPLICABILITY.—This subsection shall not apply to—“(1) State or local general sales taxes; or “(2) State or local generally applicable sales taxes.”.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Babin (Babin 031) (ANS 5); Page 726, strike line 22.; was NOT AGREED TO by voice vote.

En Bloc amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Babin (Babin 017) (ANS 6 En Bloc); At the end of title VIII of the bill, add the following: SEC. 834. RULE OF CONSTRUCTION. Nothing in this Act shall be construed to—(1) prevent airports from engaging in curb management practices, including determining and assigning curb designations, regulations, and to install and maintain upon any of the roadways or parts of roadways as many curb zones as necessary to aid in the regulation, control, and inspection of passenger loading and unloading; or (2) prevent airports from enforcing curb zones using sensor, camera, automated license plate recognition, and software technologies and issuing citations by mail to the registered owner of the vehicle.; (Babin 020) (ANS 6 En Bloc); Page 579, line 12, strike “2 years” and insert “1 year”. Page 579, line 22, strike “2 years” and insert “1 year”.; (Babin 025) (ANS 6 En Bloc); Strike section 381.; (Babin 026) (ANS 6 En Bloc); Strike section 122.; (Babin 027) (ANS 6 En Bloc); Strike section 683.; (Babin 028) (ANS 6 En Bloc); Strike section 687.; (Babin 029) (ANS 6 En Bloc); Strike section 126.; (Babin 032) (ANS 6 En Bloc); Page 180, line 24, strike “commercial space transportation” and insert “commercial space launch and reentry”. Page 382, line 15, strike “commercial space transportation” and insert “commercial space launch and reentry”. Page 618, line 20, strike “COMMERCIAL SPACE TRANSPORTATION” and insert “COMMERCIAL SPACE LAUNCH AND REENTRY”. Page 619, line 8, strike “commercial space transportation” and insert “commercial space launch and reentry”. Page 666, line 15, strike “commercial space transportation” and insert “commercial space launch and reentry”. Page 726, line 22, strike “commercial space transportation” and insert “commercial space launch and reentry”. Page 756, line 1, strike “COMMERCIAL SPACE TRANSPORTATION” and insert “COMMERCIAL SPACE LAUNCH AND REENTRY”. Page 756, line 11, strike “commercial space transportation” and insert “commercial space launch and reentry”. Page

756, line 26, strike “commercial space transportation” and insert “commercial space launch and reentry”. Page 757, line 1, strike “commercial space transportation” and insert “commercial space launch and reentry”. Page 757, line 4, strike “commercial space transportation” and insert “commercial space launch and reentry”.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Garamendi (Garamendi 059) (ANS 7); At the end of title VIII, add the following: SEC. ____ . ELIGIBLE PROJECTS UNDER TIFIA. (a) DEFINITION OF PROJECT.—Section 601(a)(12)(G) of title 23, United States Code, is amended by striking “an eligible airport-related project (as defined in section 40117(a) of title 49) for which, not later than September 30, 2025,” and inserting “eligible project costs for a project at a commercial service airport (as defined in section 47102) for which, not later than September 30, 2028,”. (b) DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.—Section 602(c)(1) of title 23, United States Code, is amended by striking “airport-related projects” and inserting “projects at commercial service airports (as defined in section 47102 of title 49)”.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Bost (Bost 31) (ANS 8); At the end of title VIII, add the following: SEC. 8 ____ . LIMITATIONS ON ADDITIONAL SLOT EXEMPTIONS. Section 41718 of title 49, United States Code, is amended by adding at the end the following: “(i) LIMITATIONS ON ADDITIONAL SLOT EXEMPTIONS.—Additional exemptions from the requirements of sections 49104(a)(5), 49109, and 41714 and subparts K, S, and T of part 93 of title 14, Code of Federal Regulations, to air carriers to operate limited frequencies and aircraft on routes to and from Ronald Reagan Washington National Airport, may only be granted if the Secretary finds that the exemptions will not—“(1) reduce air transportation in areas within the perimeter described in section 49109; “(2) decrease competition in multiple markets; “(3) reduce air travel options for communities served by small hub airports and medium hub airports both beyond and within the perimeter described in section 49109; “(4) strain current landside and airside capacity at Ronald Reagan Washington National Airport; “(5) adversely impact public health in communities surrounding Ronald Reagan Washington National Airport; “(6) pose additional risks to national security, national defense, and national intelligence, including risk to the security or protection of people and critical facilities or assets; “(7) pose a risk to the safety of the national airspace system; “(8) stress the aviation workforce, including air traffic controllers and pilots; “(9) increase air and noise pollution in communities surrounding Ronald Reagan Washington National Airport; “(10) result in the underutilization of the federally funded surface transportation assets, including the Washington Metropolitan Area Transit Authority’s Silver Line to Washington Dulles International Airport; “(11) increase roadway traffic in communities surrounding Ronald Reagan Washington National Airport; “(12) result in meaningfully increased travel delays; “(13) adversely impact operational performance at Ronald Reagan Washington National Airport; and “(14) adversely impact passenger experience.”.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Johnson of Georgia (Johnson GA 017) (ANS 9); At the end of title VIII, add the following: SEC. 11. HYDROGEN POWERED AIRCRAFT. (a) FAA AND DEPARTMENT OF ENERGY LEADERSHIP ON USING HYDROGEN TO INCREASE AVIATION DECARBONIZATION.—(1) IN GENERAL.—The Secretary of Transportation, acting primarily through the Administrator of the Federal Aviation Administration, and jointly with the Secretary of Energy, shall exercise leadership in the creation of Federal and international policies, and shall conduct studies, relating to the safe and efficient use of hydrogen to increase aviation decarbonization and reduce air and noise pollution. (2) EXERCISE OF LEADERSHIP.—In carrying out paragraph (1), the Secretary of Transportation, the Administrator, and the Secretary of Energy shall—(A) establish positions and goals for the use of hydrogen to increase aviation decarbonization; (B) through grant, contract, or interagency agreements, study the contribution the use of hydrogen would have on aviation decarbonization, including hydrogen as an input for conventional jet fuel, sustainable aviation fuel, and power to liquids or synthetic fuel, and on air pollution and noise pollution, and study ways of accelerating introduction of hydrogen-powered aircraft; (C) review grant eligibility requirements and other policies and requirements of the Federal Aviation Administration and the Department of Energy to identify ways to increase the use of hydrogen; (D) consider the needs of the aerospace industry, aviation suppliers, hydrogen producers, airlines, and other stakeholders when creating policies that enable the safe commercial deployment of hydrogen in aviation; (E) obtain input from the National Aeronautics and Space Administration, the aerospace industry, aviation suppliers, hydrogen producers, airlines, airport sponsors, fixed base operators, and other stakeholders regarding—(i) the efficient use of hydrogen to decarbonize aviation within United States airspace, including—(I) updating or modifying existing policies on such use; (II) barriers to, and benefits of, the introduction of aircraft powered with hydrogen; (III) the operational differences between aircraft powered with hydrogen and aircraft powered with other types of fuels; (IV) impacts on aircraft emissions; and (V) public, economic, and noise benefits of the operation of aircraft powered with hydrogen and associated aerospace industry activity; and (ii) other issues identified by the Secretary of Transportation, the Administrator, the Secretary of Energy, or the advisory committee established under subparagraph (F) that must be addressed to enable the safe and expeditious commercial deployment and safe and efficient operation of aircraft powered with hydrogen; and (F) establish an advisory committee composed of representatives of the National Aeronautics and Space Administration, the aerospace industry, aviation suppliers, hydrogen producers, airlines, airport sponsors, fixed base operators, and other stakeholders to advise the Secretary of Transportation, the Administrator, and the Secretary of Energy on the activities carried out under this section and subsection (b). (3) INTERNATIONAL LEADERSHIP.—The Secretary of Transportation, the Administrator, and the Secretary of Energy, in the appropriate international forums, shall take actions that—(A) demonstrate global leadership in carrying out the activities required by paragraphs (1) and (2); (B) address

the needs of the aerospace industry, aviation suppliers, hydrogen producers, airlines, airport sponsors, fixed base operators, and other stakeholders identified under paragraph (2); and (C) preserve the United States aviation competitiveness. (4) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this section, the Secretary of Transportation, acting primarily through the Administrator, and jointly with the Secretary of Energy, shall submit to the appropriate committees of Congress a report detailing—(A) the Secretary of Transportation’s, Administrator’s, and Secretary of Energy’s actions to exercise leadership in the creation of Federal and international policies, and of studies conducted, relating to the safe and efficient use of hydrogen to increase aviation decarbonization and improve air and noise pollution; (B) planned, proposed, and anticipated actions to update or modify existing policies related to hydrogen in the aviation sector, including those identified as a result of consultation with, and feedback from, the aerospace industry, aviation suppliers, hydrogen producers, airlines, airport sponsors, fixed base operators, and other stakeholders; and (C) a timeline for any actions to be taken to update or modify existing policies related to hydrogen. (b) FAA LEADERSHIP ON THE CERTIFICATION OF HYDROGEN POWERED AIRCRAFT TO INCREASE AVIATION DECARBONIZATION.—(1) IN GENERAL.—The Administrator shall exercise leadership in the creation of Federal regulations, standards, and guidance relating to the safe and efficient use of hydrogen to increase aviation decarbonization, and reduce air and noise pollution. (2) EXERCISE OF LEADERSHIP.—In carrying out paragraph (1), the Administrator shall—(A) establish a viable path for the certification of hydrogen-powered aircraft that considers existing frameworks; (B) review certification regulations and other requirements of the Federal Aviation Administration to identify ways to facilitate the use of hydrogen; (C) consider the needs of the aerospace industry, aviation suppliers, hydrogen producers, airlines, airport sponsors, fixed base operators, and other stakeholders when creating regulations and standards that enable the safe commercial deployment of hydrogen in aviation; (D) obtain the input of the aerospace industry, aviation suppliers, hydrogen producers, airlines, airport sponsors, fixed base operators, and other stakeholders regarding—(i) the appropriate regulatory framework and timeline for permitting the safe and efficient use of hydrogen within United States airspace, including updating or modifying existing regulations on such use; (ii) how to accelerate the resolution of issues related to standards and regulations for the type certification and safe operation of aircraft powered with hydrogen; and (iii) other issues identified by the Administrator or the advisory committee established under subsection (a)(2)(F) that must be addressed to enable the safe and expeditious commercial deployment and safe and efficient operation of aircraft powered with hydrogen. (c) AIRPORT IMPROVEMENT PROGRAM USE OF FUNDS.—Section 47102 of title 49, United States Code, is amended—(1) in paragraph (3), by adding at the end the following: “(W) acquiring land for, or work necessary for constructing, reconstructing, repairing, or improving, or otherwise modifying an airport or airport facilities, or property adjacent to, or in the vicinity of, an airport but intended to support the airport to store and distribute hydrogen, sustainable aviation fuel, or elec-

trification to power aircraft.”; and (2) in paragraph (13) (as redesignated by section 401), by inserting “, including hydrogen and electrification,” after “alternative fuels”. (d) CLEEN ENGINE AND AIRFRAME TECHNOLOGY PARTNERSHIP.—Section 47511(a) of title 49, United States Code, is amended by striking “jet fuels for civil subsonic airplanes” and inserting “jet fuels, hydrogen, and batteries for aircraft”. (e) CENTER OF EXCELLENCE FOR ALTERNATIVE JET FUELS AND ENVIRONMENT (ASCENT).—(1) IN GENERAL.—The Center of Excellence for Alternative Jet Fuels and Environment (ASCENT) shall conduct research on hydrogen to increase aviation decarbonization. Such research shall be in addition to any other research authorized to be carried out by the Center, including other research relating to hydrogen. (2) NATIONAL AVIATION RESEARCH PLAN.—Beginning with the first National Aviation Research Plan published after the date of enactment of this section, as required under section 44501(c) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall include research on hydrogen to increase aviation decarbonization in such plan.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Ms. Titus (Titus 045) (ANS 10); Page 147, line 9, add “and” at the end. Page 147, strike “; and’ ” and insert “a semicolon”. Page 147, line 19, strike the first period and all that follows through the second period and insert the following: “(F) shall consider the economic viability of commercial air tour operations that would result from an air tour management plan.”.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Ms. Brownley (Brownley 050) (ANS 11); At the end of title VIII, add the following: SEC. ____ . HELICOPTER RECORDERS. (a) IN GENERAL.—Chapter 447 of title 49, United States Code, is amended by adding at the end the following: “§ 44744. Helicopter recorders “It shall be unlawful for any air carrier to operate a single or multiengine, turbine-powered helicopter with 1 or more passenger seats and 1 or more pilots without a flight data recorder and cockpit voice recorder that meet the requirements of section 91.609 of title 14, Code of Federal Regulations.”. (b) CLERICAL AMENDMENT.—The analysis for chapter 447 of title 49, United States Code, is amended by adding at the end the following: “44744. Helicopter recorders.”. (c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of enactment of this Act.; was NOT AGREED TO by voice vote.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. DeSaulnier (DeSaulnier 020) (ANS 12); At the end of title VIII, add the following: SEC. ____ . SENSE OF CONGRESS ON TRANSPARENCY IN AVIATION INDUSTRY. It is the sense of Congress that the Administrator of the Federal Aviation Administration should take such actions as are necessary to ensure that air carriers and other persons providing air transportation are prohibited from hiding information determined to be important by the Administrator in any investigation regarding aircraft incidents,

including incidents that result in death or injury.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Carbajal (Carbajal 026) (ANS 13); At the end of title VIII, add the following: SEC. 834. PFAS REPLACEMENT PROGRAM FOR AIRPORTS. (a) IN GENERAL.—The Secretary of Transportation shall establish a new program, subject to terms, conditions, and assurances acceptable to the Secretary, to reimburse certificate holders under part 139 of title 14, Code of Federal Regulations, for the reasonable and appropriate costs associated with any of the following: (1) The one-time initial acquisition by operators of airports certificated under part 139 of title 14, Code of Federal Regulations, of fluorine-free firefighting alternatives that satisfy the requirements of part 139 of title 14, Code of Federal Regulations, the volume of which shall be limited to that required by part 139 of title 14, Code of Federal Regulations. (2) The disposal of per- or polyfluoroalkyl products, including fluorinated aqueous film-forming agents, to the extent such disposal is necessary to facilitate the transition to an acceptable fluorine-free agent including aqueous film-forming agents currently in firefighting equipment, vehicles, and wastewater generated during the cleaning of firefighting equipment and vehicles. (3) Cleaning, decontamination, or disposal of existing equipment or components thereof, to the extent such cleaning, decontamination or disposal is necessary to facilitate the transition to an acceptable fluorine-free agent. (4) Any equipment or components thereof necessary to facilitate the transition to an acceptable fluorine-free agent. (5) Planning efforts to prepare for any environmental response actions or remediation actions associated with possible contamination of soil, groundwater, or sediments. (b) APPROPRIATIONS.—There is authorized to be appropriated \$250,000,000 to carry out the program set forth in subsection (a) of this section, to remain available for 5 years after the date in which the Administrator of the Federal Aviation Administration approves a fluorine free firefighting agent acceptable under 139.319(l) of title 14, Code of Federal Regulations. (c) REQUIREMENTS.—(1) IN GENERAL.—The funding program established under subsection (a) shall be in addition to any other funding program previously established by law. (2) DETERMINATION OF ELIGIBILITY.—The Secretary shall determine the eligibility of costs payable under this program by taking into account all engineering, technical, and environmental protocols and generally accepted industry standards that are developed or established for fluorine free foams. (3) COMPLIANCE WITH OTHER LAWS.—All actions related to the acquisition, disposal and transition to fluorine free foams, including the cleaning, decontamination and disposal of equipment, must be conducted in full compliance will all applicable federal laws to be eligible for reimbursement under this section.; was NOT AGREED TO by voice vote.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Nehls (Nehls 037 Revised 3) (ANS 14); At the end of subtitle C of title III, add the following: SEC. 330. AGE STANDARDS FOR PILOTS. Section 44729 of title 49, United States Code, is amended—(1) in subsection (a)—(A) by striking “Subject to the limitation in subsection (c), a” and inserting “A”;

and (B) by striking “65” and inserting “67”; (2) in subsection (b)(1) by striking “; or” and inserting “, unless the operation takes place in airspace where such operations are not permitted; or”; (3) by striking subsection (c) and redesignating subsections (d) through (h) as subsections (c) through (g), respectively; (4) in subsection (c), as so redesignated—(A) in the heading by striking “60” and inserting “65”; (B) by striking “the date of enactment of this section,” and inserting “the date of enactment of the Securing Growth and Robust Leadership in American Aviation Act,”; (C) by striking “section 121.383(c)” and inserting “subsections (d) and (e) of section 121.383”; and (D) by inserting “(or any successor regulations)” after “regulations”; (5) in subsection (d) as so redesignated—(A) in paragraph (1)—(i) in the heading by striking “NONRETROACTIVITY” and inserting “RETROACTIVITY”; and (ii) by striking “No person” and all that follows through the period at the end and inserting “A person who has attained 65 years of age on or before the date of enactment of the Securing Growth and Robust Leadership in American Aviation Act may return to service as a pilot for an air carrier engaged in covered operations.”; and (B) in paragraph (2) by striking “section, taken in conformance with a regulation issued to carry out this section, or taken prior to the date of enactment of this section in conformance with section 121.383(c) of title 14, Code of Federal Regulations (as in effect before such date of enactment), may” and inserting “section or taken in conformance with a regulation issued to carry out this section, may”; and (6) by adding at the end the following: “(h) SAVINGS CLAUSE.—An air carrier engaged in covered operations described in subsection (b)(1) on or after the date of enactment of the Securing Growth and Robust Leadership in American Aviation Act may not require employed pilots to serve in such covered operations after attaining 65 years of age.”; was AGREED TO by a recorded vote of 32 yeas and 31 nays (Roll Call No. 018).

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Stanton (Stanton 025) (ANS 15); At the end of subtitle A of title VII, insert the following: **SEC. . SEATING ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS WITH DISABILITIES.** (a) **IN GENERAL.**—(1) **ADVANCED NOTICE OF PROPOSED RULEMAKING.**—Not later than 180 days after the date of enactment of this section, the Secretary shall issue an advanced notice of proposed rulemaking regarding seating accommodations for any qualified individual with a disability. (2) **NOTICE OF PROPOSED RULEMAKING.**—Not later than 1 year after the date on which the advanced notice of proposed rulemaking under paragraph (1) is completed, the Secretary shall issue a notice of proposed rulemaking regarding seating accommodations for any qualified individual with a disability. (3) **FINAL RULE.**—Not later than 1 year after the date on which the notice of proposed rulemaking under paragraph (2) is completed, the Secretary shall issue a final rule regarding seating accommodations for any qualified individual with a disability. (b) **REQUIREMENTS.**—In carrying out any rulemaking under subsection (a), the Secretary shall consider the following: (1) The scope and anticipated number of qualified individuals with a disability who—(A) may need to be seated with a companion to receive assistance during a flight; or

(B) should be afforded bulkhead seats or other seating considerations. (2) The types of disabilities that may need seating accommodations. (3) Whether such qualified individuals with a disability are unable to obtain, or have difficulty obtaining, such a seat. (4) The scope and anticipated number of individuals assisting a qualified individual with a disability who should be afforded an adjoining seat pursuant to section 382.81 of title 14, Code of Federal Regulations. (5) Any notification given to qualified individuals with a disability regarding available seating accommodations. (6) Any method that is adequate to identify fraudulent claims for seating accommodations. (7) Any other information determined appropriate by the Secretary. (c) PILOT PROGRAM.—(1) ESTABLISHMENT.—(A) IN GENERAL.—The Secretary shall establish a pilot program to allow approved program participants as known service animal users for the purpose of exemption from the documentation requirements under part 382 of title 14, Code of Federal Regulations, with respect to air travel with a service animal. (B) REQUIREMENTS.—The pilot program established under subparagraph (A) shall—(i) be optional; (ii) provide to applicants assistance, including over-the-phone assistance, throughout the application process for the program; (iii) with respect to any web-based components of the pilot program, meet or exceed the standards described in section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d) and the regulations implementing that Act as set forth in part 1194 of title 36, Code of Federal Regulations; and (iv) exempt participants of the pilot program from any documentation requirements under part 382 of title 14, Code of Federal Regulations. (2) CONSULTATION.—In establishing the pilot program under paragraph (1), the Secretary shall consult with—(A) disability advocacy entities, including nonprofit organizations focused on ensuring that individuals with disabilities are able to live and participate in their communities; (B) air carriers and foreign air carriers; (C) accredited service animal training programs and authorized registrars, such as the International Guide Dog Federation, Assistance Dogs International, and other similar organizations and foreign and domestic governmental registrars of service animals; (D) other relevant departments or agencies of the Federal Government; and (E) other entities determined to be appropriate by the Secretary. (3) ELIGIBILITY.—To be eligible to participate in the pilot program under this subsection, an individual shall—(A) be a qualified individual with a disability; (B) require the use of a service animal because of a disability; and (C) submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. (4) CLARIFICATION.—The Secretary may award a grant or enter into a contract or cooperative agreement in order to carry out this subsection. (5) NOMINAL FEE.—The Secretary may require an applicant to pay a nominal fee (not to exceed \$25) to participate in the pilot program. (6) REPORTS TO CONGRESS.—(A) PLANNING REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to the appropriate committees of Congress a publicly available report describing the implementation plan for the pilot program under this subsection. (B) ANNUAL REPORT.—Not later than 1 year after the establishment of the pilot program under this subsection, and annually thereafter until the date described in paragraph (7),

the Secretary shall submit to the appropriate committees of Congress a publicly available report on the progress of the pilot program. (C) FINAL REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall submit to the appropriate committees of Congress a publicly available final report that includes recommendations for the establishment and implementation of a permanent known service animal user travel program for the Federal Government. (7) SUNSET.—The pilot program shall terminate on the date that is 5 years after the date of enactment of this section. (d) ACCREDITED SERVICE ANIMAL TRAINING PROGRAMS AND AUTHORIZED REGISTRARS.—Not later than 6 months after the date of enactment of this section, the Secretary shall publish on the website of the Department of Transportation and maintain a list of—(1) accredited programs that train service animals; and (2) authorized registrars that evaluate service animals. (e) REPORT TO CONGRESS ON SERVICE ANIMAL REQUESTS.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary shall submit to the appropriate committees of Congress a report on requests for air travel with service animals, including—(1) during the reporting period, how many requests to board an aircraft with a service animal were made; and (2) the number and percentage of such requests, categorized by type of request, that were reported by air carriers or foreign air carriers as—(A) granted; (B) denied; or (C) fraudulent. (f) TRAINING.—(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall, in consultation with the Air Carrier Access Act Advisory Committee, issue guidance regarding improvements to training for airline personnel (including contractors) in recognizing when a qualified individual with a disability is traveling with a service animal. (2) REQUIREMENTS.—The guidance issued under paragraph (1) shall—(A) take into account respectful engagement with and assistance for individuals with a wide range of visible and non-visible disabilities; (B) provide information on—(i) service animal behavior and whether the service animal is appropriately harnessed, leashed, or otherwise tethered; and (ii) the various types of service animals, such as guide dogs, hearing or signal dogs, psychiatric service dogs, sensory or social signal dogs, and seizure response dogs; and (C) outline the rights and responsibilities of the handler of the service animal. (g) DEFINITIONS.—In this section, the following definitions apply: (1) AIR CARRIER.—The term “air carrier” has the meaning given that term in section 40102 of title 49, United States Code. (2) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. (3) FOREIGN AIR CARRIER.—The term “foreign air carrier” has the meaning given that term in section 40102 of title 49, United States Code. (4) QUALIFIED INDIVIDUAL WITH A DISABILITY.—The term “qualified individual with a disability” has the meaning given that term in section 382.3 of title 14, Code of Federal Regulations. (5) SECRETARY.—The term “Secretary” means the Secretary of Transportation. (6) SERVICE ANIMAL.—The term “service animal” has the meaning given that term in sec-

tion 382.3 of title 14, Code of Federal Regulations.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mrs. González-Colón (González-Colón 027) (ANS 16); At the end of title VIII, add the following: SEC. ____ . CARGO NAVIGATION IN PUERTO RICO. (a) IN GENERAL.—For the period of 5 years beginning on the date of enactment of this Act, section 41703(e) of title 49, United States Code, shall be deemed to apply to Puerto Rico in the same manner as such subsection applies to Alaska. (b) REPORT.—Not later than 1 year after enactment of this Act, and each year thereafter during the 5-year period described in subsection (a), the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation a report that describes the effects of subsection (a). Such report shall include an analysis of data related to changes in air cargo operations, economic effect, stakeholder support, and any other factor the Secretary considers appropriate.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. García of Illinois (García IL 037) (ANS 17); At the end of title VIII, add the following: SEC. ____ . STUDY ON AIRPORT SLOT PROCESSES. The Administrator of the Federal Aviation Administration shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a study assessing the transparency of the slot processes applied to airports, focusing on such process with respect to competition.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Van Drew (Van Drew 038) (ANS 18); After section 140, insert the following: SEC. 141. OFFICE OF ADVANCED AVIATION TECHNOLOGY AND INNOVATION. Section 106 of title 49, United States Code, is further amended by adding at the end the following: “(u) OFFICE OF THE ASSOCIATE ADMINISTRATOR FOR ADVANCED AVIATION TECHNOLOGY AND INNOVATION.—“(1) ESTABLISHMENT.—There is established in the Federal Aviation Administration the Office of Advanced Aviation Technology and Innovation (in this subsection referred to as the ‘Office’). “(2) ASSOCIATE ADMINISTRATOR.—The Office shall be headed by an Associate Administrator, who shall—“(A) be appointed by the Administrator; and “(B) report directly to the Administrator. “(3) PURPOSES.—The purposes of the Office are to—“(A) serve as an entry point for stakeholders to share information with the Federal Aviation Administration on advanced aviation technologies; “(B) examine the potential impact of advanced aviation technologies on the national airspace system, and methods to safely integrate into the national airspace system; “(C) work collaboratively with subject matter experts from all lines of business and staff offices to examine advanced aviation technologies and concepts for integration into the national airspace system in an expeditious manner that takes into account acceptable levels of risk; “(D) lead cross-U.S. government collaborative efforts

to develop integrated approaches for the acceleration and deployment of Advanced Technologies; “(E) provide leadership with regard to internal collaboration, industry engagement, and collaboration with international partners; “(F) lead cross-FAA integration, planning, coordination, and collaboration in support of the integration of advanced aviation technologies; “(G) support the development of safety cases for advanced aviation technologies in coordination with the operational approval office; and “(H) coordinate and review approval of advanced aviation technologies, including support to and approval of any required rulemakings, exemptions, waivers, or other types of authorizations, as appropriate. “(4) DUTIES.—The Associate Administrator shall—“(A) establish, manage, and oversee the Office of Advanced Aviation Technology and Innovation; “(B) develop and maintain a comprehensive strategy and action plan for fully integrating advanced aviation technologies into the national aviation ecosystem and providing full authorization for operations at scale for each of these technologies; “(C) collaborate with Federal Aviation Administration organizations to identify and develop specific recommendations to address skills gaps in the existing engineer and inspector workforce involved in the certification and operational approval of safety technology; “(D) coordinate and review, as appropriate, rulemaking activities related to advanced aviation technologies, including by scoping complex regulatory issues, evaluating internal processes, and positioning the Federal Aviation Administration to support aerospace innovation; “(E) coordinate and review, as appropriate, applications for type, production, or airworthiness certificates, or alternatives to airworthiness certificates, operating and pilot certification, and airspace authorizations, among others, related to advanced aviation technologies; “(F) coordinate and review, as appropriate, applications for waivers, exemptions and other operational authorizations; “(G) coordinate and review the implementation of the process required by section 2209 of the FAA Extension, Safety, and Security Act of 2016 (as amended) (49 U.S.C. 40101 note); “(H) coordinate with the Chief Operating Officer of the Air Traffic Organization and other agency leaders to develop policies to address airspace integration issues at all levels of uncontrolled and controlled airspace; “(I) implement the BEYOND program and the UAS Test Site Program, among others, and develop other pilot programs in partnership with industry stakeholders and State, local, and Tribal Governments to enable highly automated and autonomous operations of Advanced Technologies unmanned aircraft systems, AAM, and other innovative aviation technologies at scale by providing the data necessary to support rulemakings and other approval processes; “(J) serve as the designated Federal officer to the Advanced Aviation Technology and Innovation Steering Committee; and “(K) serve as the Federal Aviation Administration lead for the Drone Safety Team. “(5) CONGRESSIONAL BRIEFINGS.—Not later than 60 days after establishing the position in paragraph (1), and on a quarterly basis thereafter, the Administrator shall brief the appropriate committees of Congress on the status of—“(A) implementing the comprehensive strategy and action plan for fully integrating aviation technologies into the national aviation ecosystem and providing full authorization for operations at scale for each of these technologies; “(B) rulemakings, major guidance documents, and other agency

pilot programs or initiatives supporting the comprehensive strategy and action plan; “(C) implementing recommendations from the Advanced Aviation Technology and Innovation Steering Committee; and “(D) engagement with international aviation regulators to develop global standards for advanced aviation technologies. “(6) UAS INTEGRATION OFFICE.—Not later than 90 days after the date of enactment of this subsection, the functions, duties and responsibilities of the UAS Integration Office shall be incorporated into the Office. “(7) DEFINITIONS.—In this subsection: “(A) AAM.—The term ‘AAM’ has the meaning given the term ‘advanced air mobility’ in section 2(i)(1) of the Advanced Air Mobility Coordination and Leadership Act (49 U.S.C. 40101 note). “(B) ADVANCED AVIATION TECHNOLOGIES.—The term ‘advanced aviation technologies’ means technologies for which introduction has potential safety implications and shall include unmanned aircraft systems, powered-lift aircraft, electric propulsion, and super- and hypersonic aircraft.”.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Carter of Louisiana (Carter LA WORD1) (ANS 19); “Requiring the FAA to establish additional test sites dedicated to over 55lbs L-UAS and AAM aircraft including over the Gulf of Mexico, a region of strategic national importance.”; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Owens (Owens 013) (ANS 20); At the end of subtitle A of title IV, add the following: SEC. ____ . ADDITIONAL WITHIN AND BEYOND PERIMETER SLOT EXEMPTIONS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT. (a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—Section 41718 of title 49, United States Code, is amended by adding at the end the following new subsection: “(i) ADDITIONAL SLOT EXEMPTIONS.—“(1) INITIAL INCREASE IN SLOT EXEMPTIONS.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall grant, by order, 28 exemptions from—“(A) the application of sections 49104(a)(5), 49109, and 41714 to air carriers to operate limited frequencies and aircraft on routes between Ronald Reagan Washington National Airport and airports located within or beyond the perimeter described in section 49109; and “(B) the requirements of subparts K, S, and T of part 93, Code of Federal Regulations. “(2) INCREMENTAL DCA SLOT ALLOCATIONS.—Of the 28 initial slot exemptions made available under paragraph (1), the Secretary shall make 20 available to incumbent air carriers qualifying for status as a non-limited incumbent carrier and 8 available to incumbent carriers qualifying for status as a limited incumbent carrier at Ronald Reagan Washington National Airport as of the date of enactment of this subsection. Each such air carrier—“(A) may operate up to a maximum of 4 of the newly authorized slot exemptions; “(B) shall have sole discretion concerning the use of an exemption made available under paragraph (1), including the initial or any subsequent within or beyond perimeter destinations to be served; and “(C) shall file a notice of intent with the Secretary and subsequent notices of intent, when appropriate, to inform the Secretary of any change in circumstances concerning the use of any exemption made available under paragraph (1).

“(3)(A) SUBSEQUENT INCREASE IN SLOT EXEMPTIONS.—Not later than 180 days following the Secretary’s grant of the 28 initial slot exemptions under paragraph (1), the Secretary shall grant, by order, an additional 28 slot exemptions, 20 of which shall be made available to incumbent air carriers qualifying for status as a non-limited incumbent carrier, and 8 of which shall be made available to incumbent carriers qualifying for status as a limited incumbent carrier at Ronald Reagan Washington National Airport as of the date of enactment of this subsection. “(B) CONDITIONS.—These additional 28 slot exemptions shall be subject to the same terms and conditions specified under paragraph (2). “(C) EXCEPTION.—These additional 28 slot exemptions shall not be allocated to air carriers by the Secretary if, prior to the expiration of the 180 day period referenced in this paragraph, the Administrator of the Federal Aviation Administration publishes a report concluding definitively that Ronald Reagan Washington National Airport cannot accommodate 28 additional each-way flights on a representative day without materially and adversely impacting congestion in the national airspace system generally and flight delays and cancellations at DCA specifically. “(D) NO IMPACT ON INITIAL 28 SLOT EXEMPTIONS.—Any adverse findings by the FAA under paragraph (3)(C) shall not have any impact on the initial 28 slot exemptions granted under paragraph (1). “(4) NOTICES OF INTENT.—Notices of intent under paragraph (2)(C) shall specify the within or beyond perimeter destinations to be served. “(5) CONDITIONS.—Flight operations carried out by an air carrier using an exemption granted under this subsection shall be subject to the following conditions: “(A) An air carrier granted an exemption under this subsection is prohibited from transferring the rights to its slot exemptions pursuant to section 41714(j). “(B) The exemptions granted under paragraphs (2) and (3)—“(i) may not be for operations between the hours of 10:00 p.m. and 7:00 a.m.; and “(ii) may not increase the number of operations at Ronald Reagan Washington National Airport in any 1-hour period during the hours between 7:00 a.m. and 9:59 p.m. by more than 8 operations.” (b) PRESERVATION OF EXISTING WITHIN-PERIMETER AIR SERVICE.—In recognition of the importance of preserving existing air service between Ronald Reagan Washington National Airport and within-perimeter airports and communities, and for the avoidance of doubt, none of the provisions in this subsection shall be construed to authorize any limited incumbent or non-limited incumbent carrier holding slots or slot exemptions at Ronald Reagan Washington National Airport as of the date of enactment of this subsection to use an existing within-perimeter slot to serve an airport beyond the perimeter described in section 49109. (c) CONFORMING AMENDMENTS.—Section 41718 of title 49, United States Code, is amended—(1) in subsection (c)(2)—(A) in subparagraph (A)—(i) in clause (i), by inserting “or (i)(2) or (i)(3)” after “(g)(2)”; and (ii) in clause (ii), by striking “and (g)” and inserting “(g), and (i)”; and (B) in subparagraph (B), by inserting “or (i)(2) or (i)(3)” after “(g)(3)”; and (2) in subsection (h)(1), by inserting “or (i)” after “subsection (g)”; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Ryan (Ryan 016) (ANS 21); Strike section

328 and insert the following: SEC. ____ . AVIATION MEDICAL INNOVATION AND MODERNIZATION WORKING GROUP. (a) IN GENERAL.—Not later than 120 days after the date of enactment of this section, the Administrator shall establish the Aviation Medical Innovation and Modernization Working Group (in this section referred to as the “Working Group”) and appoint members of the Working Group in accordance with subsection (b). (b) MEMBERSHIP.—(1) NUMBER.—The members of the Working Group shall not exceed 20 individuals. (2) COMPOSITION.—(A) FEDERAL AIR SURGEON.—The Federal Air Surgeon shall be a member of the Working Group and shall be the Chair of the Working Group. (B) SENIOR AVIATION MEDICAL EXAMINERS.—In addition to the Federal Air Surgeon, at least 8 members of the Working Group shall be individuals who are Senior Aviation Medical Examiners. (C) OTHER MEMBERS.—In addition to the Federal Air Surgeon and the members appointed under subparagraph (B), the remaining members shall be licensed medical physicians with substantial expertise in—(i) aerospace medicine; (ii) psychological medicine; (iii) neurological medicine; (iv) cardiovascular medicine; or (v) internal medicine. (D) PREFERENCE IN APPOINTMENTS.—The Administrator shall give preference to appointing members of the Working Group who are Aviation Medical Examiners or licensed medical physicians who have demonstrated research and expertise in aviation medical issues. (E) USE OF SUBGROUPS.—The Working Group Administrator may use subgroups to develop the recommendations under subsection (e). (c) RECOMMENDATIONS.—The Working Group shall develop a report that includes recommendations with respect to the following areas: (1) Evaluation of the conditions an Aviation Medical Examiner can issue. (2) Improvements and reforms to the Special Issuance process, including whether, after initial medical certification by the FAA, renewals can be based on a medical evaluation and treatment plan by a pilot’s treating medical specialist with concurrence from the pilot’s Aviation Medical Examiner. (3) Development of an online medical portal administered by the FAA that—(A) adheres to cybersecurity protections and protocols; (B) authorizes Aviation Medical Examiners, pilots, or their designee, to securely share medical records; (C) provides timely updates for a pilot’s medical application and improves return to flying timelines; (D) provides pilots with the ability to submit additional information requested from the FAA; (E) includes the method to contact the reviewing office; and (F) such other requirements as the Working Group may recommend. (4) The use of technologies to address forms of red-green color blindness for pilots. (5) Improvements to Attention-Deficit Hyperactivity Disorder and Attention Deficit Disorder protocols. (6) Improvements to neurology protocols, specifically, stroke, head injury, and known loss of consciousness. (7) Improvements to FAA mental health protocols, including, but not limited to, mental health conditions such as depression and anxiety, the use of medications for treating mental health conditions, and neurocognitive testing rules and applicability. (d) REPORT.—Not later than 1 year after the date on which the Working Group is established—(1) the Working Group shall submit the report developed in accordance with subsection (c) to the Administrator, along with recommendations for such legislation and administrative action as the Working Group

determines appropriate; and (2) the Administrator shall submit such report and recommendations to the appropriate committees of Congress. (e) ACTIONS BY THE ADMINISTRATOR.—The Administrator may take such action as the Administrator determines appropriate to implement the recommendations in the report under submitted under subsection (d). (f) EXEMPTION FROM THE FEDERAL ADVISORY COMMITTEE ACT.—Chapter 10 of title 5, United States Code, shall not apply to the Working Group. (g) SUNSET.—The Working Group shall terminate on the date on which the Working Group submits the report required by subsection (d). (h) PILOT MENTAL HEALTH TASK GROUP.—(1) ESTABLISHMENT.—Not later than 120 days after the working group pursuant to subsection (a) is established, the co-chairs of such working groups shall establish a pilot mental health task group (referred to in this subsection as the “task group”) to develop and provide recommendations related to supporting the mental health of aircraft pilots. (2) COMPOSITION.—The co-chairs of such working group shall appoint— (A) a Chair of the task group; and (B) members of the task group from among the members of the working group appointed by the Administrator under subsection (b)(1). (3) DUTIES.—The duties of the task group shall include—(A) carrying out the activities described in subsection (c)(11) and subsection (c)(12); (B) reviewing and evaluating guidance issued by the International Civil Aviation Organization on pilot mental health; and (C) providing recommendations for—(i) best practices for detecting, assessing, and reporting mental health conditions and treatment options as part of pilot aeromedical assessments; (ii) improving the training of aviation medical examiners to identify mental health conditions among pilots, including guidance on referrals to a mental health provider or other aeromedical resource; (iii) expanding and improving mental health outreach, education, and assistance programs for pilots; and (iv) reducing the stigma of assistance for mental health in the aviation industry. (4) REPORT.—Not later than 2 years after the date of the establishment of the task group, the task group shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report detailing—(A) the results of the review and evaluation under paragraph (3)(A); and (B) recommendations developed pursuant to paragraph (3)(C); was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Mast (Mast 048) (ANS 22); At the end of title VIII, add the following: SEC. 834. LIMITED REGULATION OF NON FEDERALLY SPONSORED PROPERTY. (a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall issue a final determination on the applicability of section 163 of the FAA Reauthorization Act of 2018 (49 U.S.C. 47107 note) not later than 40 days after receipt of a request from an airport sponsor for such determination. (b) FAILURE TO ACT.—If the Administrator fails to act within the time period described in subsection (a), the proposed land use for which a determination under such subsection was requested shall conclusively be deemed to be outside the jurisdiction of the Federal Aviation Administration pursuant to section 163 of the FAA Reauthorization Act of 2018 (49

U.S.C. 47107 note). (c) DETERMINATION.—If the Administrator determines that the Federal Aviation Administration retains jurisdiction over a proposed land use for which a determination under subsection (a) was requested under section 163 of the FAA Reauthorization Act of 2018 (49 U.S.C. 47107 note), and further determines that review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is required for such proposed land use, the Administrator shall formally initiate the review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) not later than 90 days after the issuance of the final determination of the Administrator.; was NOT AGREED TO by voice vote.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Menendez (Menendez 009) (ANS 23); Page 731, line 12, insert “(A) IN GENERAL.—” before “Section”. Page 731, line 17, insert “of the Federal Aviation Administration and the Administrator of the Transportation Security Administration” before “shall require”. Page 731, strike line 18. Page 731, beginning on line 19, insert “of the Federal Aviation Administration and the Administrator of the Transportation Security Administration” after “Administrator”. Page 731, after line 23, insert the following: (b) NOTICE AND CURE.—Not later than 90 days after the date of enactment of this Act, air carriers described in subsection (a) of section 551 of the FAA Reauthorization Act of 2018 (49 U.S.C. 44903 note) shall comply with the requirements of such subsection with respect to submission to the Administrator of the Transportation Security Administration. (c) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with the Administrator of the Transportation Security Administration, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on all the Employee Assault Prevention and Response Plans submitted pursuant to section 551 of the FAA Reauthorization Act of 2018 (49 USC 44903 note), to date, listed by each air carrier described in subsection (a) of such section.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Burlison (Burlison 027 Revised) (ANS 24); At the end of title VIII, add the following: SEC. 834. STUDY ON FLIGHT SIMULATOR USE. (a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a study that examines the benefits of the use of flight simulation training devices for a pilot to gain the aeronautical experience required to obtain—(1) a commercial pilot certificate pursuant to section 61.129 of title 14, Code of Federal Regulations; or (2) an airline transport pilot certificate pursuant to section 61.159 of such title. (b) CONTENTS.—In carrying out the study required under subsection (a), the Administrator shall examine the following: (1) The benefits of using flight simulation training devices to train pilots. (2) How flight simulation training devices have advanced since the implementation of the rule titled “Pilot Certification and Qualification Requirements for Air Carrier Operations” and published on July

15, 2013 (78 Fed. Reg. 42324). (3) The effectiveness of flight simulation training devices in training pilots, including an analysis of—(A) how such devices are utilized by the armed forces (as such term is defined in section 101 of title 10, United States Code) to train military pilots; and (B) how such devices may improve pilot competency due to the replication, at a minimum, of—(i) a multi-crew environment; (ii) operations in complex or congested airspace; or (iii) freedom of motion. (4) The cost of acquiring flight simulation training devices and the availability of such devices, including identifying any supply chain issues. (5) The potential cost savings of using flight simulation training devices as compared to traditional aircraft for training. (6) Any other regulatory updates that can help safely train pilots in gaining the required aeronautical experience requirements to obtain the certificates described in subsection (a). (c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under subsection (a). (d) FLIGHT SIMULATION TRAINING DEVICE DEFINED.—In this section, the term “flight simulation training device” has the meaning given such term in part 1 of title 14, Code of Federal Regulations, and appendix F to such title.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Ms. Hoyle of Oregon (Hoyle OR 011) (ANS 25); At the end of title VIII, add the following: SEC. . EXPRESS CARRIER EMPLOYEE PROTECTION. (a) IN GENERAL.—Section 201 of the Railway Labor Act (45 U.S.C. 181) is amended—(1) by striking “All” and inserting the following: “(a) IN GENERAL.—All”; (2) by inserting “and every express carrier” after “common carrier by air”; and (3) by adding at the end the following: “(b) SPECIAL RULES FOR EXPRESS CARRIERS.—“(1) IN GENERAL.—An employee of an express carrier shall be covered by this Act only if that employee is in a position that is eligible for certification under part 61, 63, or 65 of title 14, Code of Federal Regulations, and only if that employee performs duties for the express carrier that are eligible for such certification. All other employees of an express carrier shall be covered by the provisions of the National Labor Relations Act (29 U.S.C. 151 et seq.). “(2) AIR CARRIER STATUS.—Any person that is an express carrier shall be governed by paragraph (1) notwithstanding any finding that the person is also a common carrier by air. “(3) EXPRESS CARRIER DEFINED.—In this section, the term ‘express carrier’ means any person (or persons affiliated through common control or ownership) whose primary business is the express shipment of freight or packages through an integrated network of air and surface transportation.”. (b) CONFORMING AMENDMENT.—Section 1 of the Railway Labor Act (45 U.S.C. 151) is amended by striking “, any express company that would have been subject to subtitle IV of title 49, United States Code, as of December 31, 1995,”.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Collins (Collins 009) (ANS 26); Page 616, strike lines 11 through line 5 on page 617 and insert the following:

(1) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall, after consultation with aircraft manufacturers, institutions of higher learning, the Administrator of the National Aeronautics and Space Administration, the Secretary of Defense, and any other agencies the Administrator determines appropriate, conduct a study to assess actions necessary to facilitate the safe operation and integration of hypersonic aircraft into the national airspace system. (2) **CONTENTS.**—In carrying out the study under paragraph (1), the Administrator shall—(A) assess various altitudes and operating conditions of high speed aircraft in Class E airspace above the upper boundary of Class A airspace and the resulting aircraft noise levels at the surface; (B) include the development of a framework and timeline to establish the appropriate regulatory requirements to conducting highspeed aircraft flights; (C) identify the data required to develop certification, flight standards, and air traffic requirements for the deployment and integration of high-speed aircraft; (D) assess cross-agency equities related to high-speed aircraft technologies and flight; and (E) survey global high-speed aircraft-related regulatory and testing developments or activities. (3) **RECOMMENDATIONS.**—As part of the study under paragraph (1), the Administrator shall issue recommendations to update, if feasible, regulations for certification, flight standards and air traffic management. Page 617, after line 5, insert the following (and redesignate the subsequent subsection accordingly): (c) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under subsection (a), including the recommendations under subsection (b)(3), to facilitate the safe operation and integration of high-speed aircraft in the national airspace system. (d) **STUDY AND RULEMAKING ON HIGH ALTITUDE CLASS E AIRSPACE FLIGHT OPERATIONS.**—(1) **CONSULTATION.**—Not later than 12 months after the date of enactment of this section, the Administrator, in consultation with the Administrator of the National Aeronautics and Space Administration and relevant stakeholders, including industry and academia, shall identify the minimum altitude above the upper boundary of Class A airspace at or above which flights operating with speeds above Mach 1 generate sonic booms that are inaudible at the surface under prevailing atmospheric conditions. (2) **RULEMAKING.**—Not later than 2 years after the date on which the Administrator identifies the minimum altitude described in paragraph (1), the Administrator shall publish in the Federal Register a notice of proposed rulemaking to amend sections 91.817 and 91.818 of title 14, Code of Federal Regulations, and such other regulations as appropriate, to permit flight operations with speeds above Mach 1 at or above the minimum altitude identified under paragraph (1) without specific authorizations, provided that such flight operations—(A) show compliance with airworthiness requirements; (B) do not cause a measurable sonic boom over pressure to reach the surface; and (C) have ordinary instrument flight rules clearances necessary to operate in controlled airspace. Page 617, line 8, strike “may” and insert “shall”.; was AGREED TO by a recorded vote of 36 yeas and 28 nays (Roll Call No. 019).

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Kean of New Jersey (Kean NJ 010) (ANS 27); At the end of title VIII, add the following: SEC. . AIR STATISTIC REPORTS. Not later than 60 days after the date of the enactment of this Act, the Secretary of Transportation shall ensure that the Bureau of Transportation Statistics revises and maintains Technical Reporting Directive No. 31 (14 C.F.R. Part 234) to provide that the following events are not included within the air carrier codes specified in such Directive: (1) Aircraft cleaning necessitated by such incidents as the death of a passenger, excessive bleeding, service animal (SVAN) soiling, and extensive debris left by customers. (2) Aircraft damage caused by extreme weather, bird strike, foreign object debris (FOD), sabotage, and other similar causes. (3) Awaiting the arrival of connecting passengers or crew due to weather or local or National Airspace System logistics. (4) Awaiting the results of an unexpected alcohol test of a crewmember caused by the suspicion or accusation of a customer. (5) Awaiting gate space due to congestion not within the carrier's control, including the utilization of common gates or uncontrollable gate returns resulting from constraints of the National Airspace System. (6) A baggage or cargo loading delay caused by an outage of a bag system not controlled by a carrier, including wind affecting ramp conditions, late connecting bags resulting from an air traffic controller delay, airport infrastructure failure, and similar causes. (7) Cabin servicing or catering delays due to weather or wind. (8) Vendor computer outages, cybersecurity attacks (provided that the carrier is in compliance with applicable cybersecurity regulations), or issues related to the use of airport-supplied communications equipment (such as common-use gates and terminals, power outage, and lighting). (9) Availability of crew related to hours flown, rest periods, and on-duty times not caused by a carrier, including a delay of a crew replacement or reserve necessitated by a non-controllable event, and pilot or flight attendant rest related to weather, air traffic controller, or local logistics. (10) An unscheduled engineering or safety inspection. (11) Public health issues. (12) Fueling delays related to weather or airport fueling infrastructure issues, including the inoperability of a fuel farm or unusable fuel which does not meet specified requirements at delivery to an airport due to contamination in the supply chain. (13) Government systems that are inoperable or otherwise unable to receive forms which have been properly completed by an air carrier. (14) Overheated brakes resulting from a safety incident, including those resulting from emergency procedures. (15) Mail from the U.S. Postal Service that was delayed in arrival. (16) Unscheduled maintenance, including airworthiness issues manifesting outside a scheduled maintenance program and that cannot be deferred or must be addressed before flight. (17) A medical emergency. (18) Positive passenger bag match flags that require removal of a bag in order to ensure security. (19) The removal of an unruly passenger. (20) Ramp service from a third-party contractor, including servicing of potable water, lavatory servicing, and shortage of third-party ramp equipment. (21) Snow removal or aircraft de-icing due to the occurrence of extreme weather despite adequate carrier resources, or the removal of snow on ramps. (22) An airport closure due to such factors as the presence of volcanic ash, wind or wind shear.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Yakym (Yakym 015) (ANS 28); At the end of title VIII, add the following: SEC. ASSET CONCESSIONS PILOT PROGRAM. (a) IN GENERAL.—Subchapter I of chapter 471 of title 49, United States Code, is amended by adding at the end the following: “§ 47145. Asset concessions pilot program “(a) ASSET CONCESSIONS PILOT PROGRAM.—“(1) DEFINITIONS.—In this section: “(A) APPROVED INFRASTRUCTURE ASSET.—The term ‘approved infrastructure asset’ means an airport or airports considered together in a single asset concession or long term lease to a private individual or entity by 1 or more eligible entities. “(B) ASSET CONCESSION.—The term ‘asset concession’ means a contract between an eligible entity and a private individual or entity under which—“(i) the eligible entity agrees to enter into a concession agreement or long-term lease with the individual or entity relating to an approved infrastructure asset owned, controlled, or maintained by the eligible entity; and “(ii) as consideration for that agreement or lease, the individual or entity agrees to provide to the eligible entity 1 or more asset concession payments. “(C) ASSET CONCESSION PAYMENT.—The term ‘asset concession payment’ means a payment from a private individual or entity to an eligible entity that is—“(i) an upfront payment made at the financial close of an asset concession; or “(ii) 1 of a series of payments scheduled to be made during the term of an asset concession. “(D) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a unit of State or local government that owns, controls, or maintains an approved infrastructure asset. “(E) QUALIFYING INFRASTRUCTURE COST.—The term ‘qualifying infrastructure cost’ means the non-Federal share of the cost of—“(i) 1 or more projects for which a grant is provided under this section; “(ii) a project described in section 5026 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 6 3905); “(iii) a project relating to the development or construction of an infrastructure asset to provide communication, broadband, or internet services; “(iv) a road, bridge, or other surface transportation asset; “(v) a highway; “(vi) a public transit facility; “(vii) a port or port terminal; “(viii) a publicly owned railroad facility; “(ix) a wastewater conveyance and treatment facility; “(x) a drinking water treatment and distribution facility; “(xi) an intermodal facility; “(xii) an intercity passenger bus facility; “(xiii) an intercity passenger rail facility; or “(xiv) an airport. “(2) ESTABLISHMENT.—“(A) IN GENERAL.—The Secretary shall establish a pilot program under which the Secretary shall provide grants to eligible entities in accordance with paragraph (3). “(B) TREATMENT.—Notwithstanding any other provision of law, the Secretary may not prohibit or otherwise prevent an eligible entity from entering into, or receiving any asset concession payment under, an asset concession for an approved infrastructure asset owned, controlled, or maintained by the eligible entity. “(3) RESERVATION.—Of the amount subject to apportionment under section 47114, the Secretary shall reserve for each of the next 5 fiscal years, 10 percent of such amount to provide grants for projects described in this section to eligible entities that—“(A) have entered, or will enter, into an asset concession; and “(B) agree to use the full amount of the asset concession payment received by the eligible entity, less any amount paid for transaction costs relating to the

asset concession, to pay qualifying infrastructure costs of the eligible entity. “(4) APPLICATIONS.—To be eligible to receive a grant under this section, an eligible entity shall submit to the Secretary an application—“(A) at such time, in such manner, and containing such information as the Secretary may require; and “(B) that includes a certification that the applicable portion of any applicable asset concession payment received by the eligible entity will be used in accordance with paragraph (3)(B). “(5) GRANT AMOUNT.—A grant provided under this section shall not exceed an amount equal to the lesser of—“(A) as applicable—“(i) 15 percent of the amount of the asset concession payment that is used to pay qualifying infrastructure costs under paragraph (3)(B); or “(ii) in any case in which the eligible entity agrees under paragraph (3)(B) to pay the non-Federal share of the cost of 1 or more projects located in a rural area (as defined in section 117(i)(3) of title 23, United States Code), 20 percent of the amount of the asset concession payment that is used to pay qualifying infrastructure costs under paragraph (3)(B); and “(B) \$300,000,000. “(6) EXCESS FUNDING.—“(A) GRANTS TO OFFSET ASSET CONCESSIONS.—Subject to subparagraph (B), amounts reserved under paragraph (3) for a fiscal year shall remain available for expenditure in accordance with that paragraph through September 30 of the 5th fiscal year that begins after the date of enactment of this section. “(B) APPORTIONMENTS.—The Secretary shall use any amounts reserved under paragraph (3) for a fiscal year that remain unexpended as of October 1 of the 6th fiscal year that begins after the date of enactment of this section to provide other grants under section 47114. Amounts used for grants in accordance with this subparagraph shall remain available for expenditure through September 30 of the 7th fiscal year that begins after the date of enactment of this section.”. (b) CLERICAL AMENDMENT.—The analysis of subchapter I of chapter 471 of title 49, United States Code, is amended by inserting after the item relating to section 47144 the following: “47145. Asset concessions pilot program.”; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Bean of Florida (Bean FL 011) (ANS 29); At the end of title VIII of the bill, add the following: SEC. 834. SAFETY ENHANCEMENTS FOR CERTIFICATION OF TRANSPORT CATEGORY CARGO AIRPLANES. (a) IN GENERAL.—The Secretary shall enhance the safety of cargo transport category airplane type certification by allowing, at the request of the applicant for certification, the testing of cargo airplanes with representative or actual cargo in cargo operation flights, and flown by representative aircrews of typical skill, which may be made for compensation, during function and reliability testing and prior to type design approval. (b) ESTABLISHMENT OF LIMITATIONS.—The Secretary may establish airplane appropriate operating limitations, during testing, for limited operations described in subsection (a).; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Gooden of TX (Gooden TX 033) (ANS 30); At the end of title VIII, add the following: SECTION 8____. PROHIBITION ON OPERATION OF AIRCRAFT OVER RUSSIAN

AIRSPACE. (a) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary of Transportation shall take such actions as are necessary to ensure that no air carrier or foreign air carrier engaging in foreign air commerce taking off from or flying into an airport in the United States may operate an aircraft in the airspace over the territory of the Russian Federation. (b) **DEFINITIONS.**—The terms used in this section have the meanings given such terms in section 40102(a) of title 49, United States Code.; was **WITHDRAWN.**

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Garamendi (Garamendi 061) (ANS 31); At the end of title VIII, add the following: **SEC. ____.** **RULE OF CONSTRUCTION.** A commercial service airport (as defined in section 47102 of title 49, United States Code) subject to emissions mitigation requirements under the laws of a State shall be eligible for the zero-emission vehicle and infrastructure program under section 47136 of title 49, United States Code, and the voluntary airport low emissions grant program described under sections 40117(a)(3)(G), 47102(3)(K), and 47102(3)(L) of title 49, United States Code, in order to complete electrification projects consistent with the goals of the programs described in this section.; was **WITHDRAWN.**

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Perry (Perry 202) (ANS 32); At the end of title VIII, add the following: **SEC. ____.** **PROHIBITIONS ON CONSTRUCTION CONTRACTS.** (a) **PROHIBITION.**—(1) **GENERAL RULE.**—The Secretary of Transportation, and any construction manager acting on behalf of the Secretary with respect to any construction contract awarded pursuant to this Act, or the amendments made by this Act, or obligation of funds pursuant to such a contract, shall not, in the contracts bid specifications, project agreements, or other controlling documents—(A) require or prohibit a bidder, offeror, contractor, or subcontractor from entering into, or adhering to, agreements with 1 or more labor organizations, with respect to that construction project or another related construction project; or (B) otherwise discriminate against or give preference to a bidder, offeror, contractor, or subcontractor because such bidder, contractor or subcontractor—(i) becomes a signatory, or otherwise adheres to, an agreement with 1 or more labor organizations with respect to that construction project or another related construction project; or (ii) refuses to become a signatory, or otherwise adhere to, an agreement with 1 or more labor organizations with respect to that construction project or another related construction project. (2) **RULE OF CONSTRUCTION.**—Nothing in paragraph (1) shall be construed to prohibit a contractor or subcontractor from voluntarily entering into an agreement described in such paragraph. (b) **RECIPIENTS OF GRANTS AND OTHER ASSISTANCE.**—The Secretary shall not award grants, provide financial assistance, or enter into cooperative agreements for construction projects pursuant to this Act, until the Secretary ensures that—(1) the bid specifications, project agreements, or other controlling documents for such construction projects of a recipient of a grant or financial assistance, or by the parties to a cooperative agreement, do not contain any of the requirements or prohibitions described in subparagraph (A) or (B) of subsection (a)(1); or (2) the bid specifications,

project agreements, or controlling documents for such construction projects of a construction manager acting on behalf of a recipient or party described in paragraph (1), do not contain any of the requirements or prohibitions described in subparagraph (A) or (B) of subsection (a)(1).; was NOT AGREED TO by a recorded vote of 22 yeas and 42 nays (Roll Call 020).

En Bloc amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Ms. Brownley (Brownley 048) (ANS 33 En Bloc); Page 264, line 16, insert “, including sustainable aviation fuel” after “fuel”.; (Brownley 049) (ANS 33 En Bloc); At the end of title VIII of the bill, add the following: SEC. 834. GRANT PROGRAM. (a) IN GENERAL.—The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall carry out a competitive grant and cost-sharing agreement program for eligible entities to carry out projects located in the United States to produce, transport, blend, or store sustainable aviation fuel. (b) SELECTION.—In selecting an eligible entity to receive a grant or cost-share agreement under subsection (a), the Secretary shall consider—(1) the anticipated public benefits of a project proposed by the eligible entity; (2) the potential to increase the domestic production and deployment of sustainable aviation fuel; (3) the potential greenhouse gas emissions from such project; (4) the potential for creating new jobs in the United States; (5) the potential net greenhouse gas emissions impact of different feedstocks to produce sustainable aviation fuel on a lifecycle basis, which shall include potential direct and indirect greenhouse gas emissions (including resulting from changes in land use); and (6) the proposed utilization of non-Federal contributions by the eligible entity. (c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$200,000,000 for each of fiscal years 2024 through 2028 to carry out this section. (d) REPORT.—Not later than October 1, 2029, the Secretary shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the grant program under this section. The report shall include the following: (1) A description of the entities and projects that received grants or other cost-sharing agreements under this section. (2) A detailed explanation for why each entity received the type of funding disbursement such entity did. (3) A description of whether the program is leading to an increase in the production and deployment of sustainable aviation fuels and whether that increase is enough to keep the United States on track to achieve the goals described in section 2 of this Act. (4) A description of the economic impacts resulting from the funding to and operation of the project. (e) ELIGIBLE ENTITY DEFINED.—In this section, the term “eligible entity” means— (1) a State or local government other than an airport sponsor; (2) an air carrier; (3) an airport sponsor; and (4) a person or entity engaged in the production, transportation, blending or storage of sustainable aviation fuel in the United States or feedstocks in the United States that could be used to produce sustainable aviation fuel.; was NOT AGREED TO by voice vote.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Rouzer (Rouzer 034) (ANS 34); Page 742, after line 13, insert the following: SEC. 834. PROHIBITION ON PROCUREMENT OF FOREIGN MADE UNMANNED AIRCRAFT SYSTEMS. (a) IN GENERAL.—The Secretary of Transportation is prohibited from entering into a contract or awarding a grant for the procurement of a small unmanned aircraft system manufactured or assembled by a covered foreign entity. (b) EXEMPTION.—The Secretary is exempt from any restrictions under subsection (a) if the procurement is for the purposes of— (1) counter-UAS testing, analysis, or training; or (2) aviation safety testing. (c) WAIVER.—The Secretary of Transportation (or the Secretary’s designee) may waive any restrictions under subsection (a) on a case by case basis by certifying in writing not later than 15 days after exercising such waiver to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that the procurement is required in the national interest of the United States. (d) EFFECTIVE DATES.— (1) IN GENERAL.—Beginning on the date of enactment of this Act, the Secretary may not award a new grant for the procurement of an unmanned aircraft system manufactured by a covered foreign entity. (2) EXISTING GRANT.—This section shall not apply to grants awarded before the date of enactment of this Act. (e) DEFINITIONS.—In this section: (1) COVERED FOREIGN ENTITY.—The term “covered foreign entity” means an entity— (A) included on the Consolidated Screening List or Entity List as designated by the Secretary of Commerce; (B) domiciled in the People’s Republic of China or the Russian Federation; (C) subject to influence or control by the government of the People’s Republic of China or by the Russian Federation; or (D) that is a subsidiary or affiliate of an entity described in subparagraphs (A) through (C). (2) SMALL UNMANNED AIRCRAFT; UNMANNED AIRCRAFT; UNMANNED AIRCRAFT SYSTEM.—The terms “small unmanned aircraft”, “unmanned aircraft”, and “unmanned aircraft system” have the meanings given such terms in section 44801 of title 49, United States Code.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Van Drew (Van Drew 039) (ANS 35); Strike page 295, line 2, and insert “40102 of title 49, United States Code, and section 47102 of title 49, United States Code.”.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. García of Illinois (García IL 040) (ANS 36); At the end of title VIII, add the following: SEC. .REPORT ON PASSENGER FACILITY CHARGES. The Administrator of the Federal Aviation Administration shall annually submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report assessing the passenger facility charges provided for under section 40117 of title 49, United States Code, including recommendations for improvement to such section.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Babin (Babin 024) (ANS 37); Page 583, after line 21, insert the following: SEC. 635. ADVISORY CIRCULAR. Not later than 6 months after the date of enactment of this section, the Secretary of Transportation shall issue the advisory circular AS-20CAS that provides formal requirements and guidance based on SC-228 products to class 5 UAS (as such term is defined in section 40102 of Title 49, United States Code) on publishing information and requirements related to certification under title 10, Code of Federal Regulations, of class 5 UAS Detect and Avoid capabilities for national airspace integration without requiring chase aircraft.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Mast (Mast 049) (ANS 38); At the end of title VIII, add the following: SEC. 834. ADMINISTRATIVE APPEAL PROCESS. (a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall establish an administrative appeal process whereby an affected airport sponsor may appeal an agency decision on the appropriate level of review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) required for a proposed Federal action. (b) APPEAL TIMELINE.—The appeal process established under subsection (a) shall allow an appeal within 60 days of an agency decision described in such subsection and shall require a final agency decision by an Federal Aviation Administration headquarters official within 60 days of such an appeal.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Stanton (Stanton 024) (ANS 39); At the end of subtitle A of title VII, insert the following: SEC. ON-BOARD WHEELCHAIRS. (a) REQUIREMENTS.—(1) IN GENERAL.—In the case an aircraft that is required to be equipped with an on-board wheelchair in accordance with section 382.65 of title 14, Code of Federal Regulations, an air carrier and a foreign air carrier shall provide in a prominent place on a publicly available internet website of the carrier, and in any place where a passenger can make a reservation, information regarding the rights and responsibilities of both passengers on such aircraft and the air carrier or foreign air carrier, including—(A) that an air carrier or foreign air carrier is required to equip aircraft that have more than 60 passenger seats and that have an accessible lavatory (whether or not having such a lavatory is required by section 382.63 of such title 14) with an on-board wheelchair unless an exception described in such section 382.65 applies; (B) that a qualified individual with a disability may request an on-board wheelchair on aircraft with more than 60 passenger seats even if the lavatory is not accessible and that the basis of such request must be that the individual can use an inaccessible lavatory but cannot reach it from a seat without using an on-board wheelchair; (C) that the air carrier or foreign air carrier may require the qualified individual with a disability to provide the advance notice specified in section 382.27 of such title 14 in order for the individual to be provided with the on-board wheelchair; and (D) if the air carrier or foreign air carrier requires the advance notice described in subparagraph (C), infor-

mation on how a qualified individual with a disability can make such a request. (2) ANNUAL TRAINING.—An air carrier and a foreign air carriers shall require that all personnel who regularly interact with the traveling public, including contractors, complete annual training regarding assisting qualified individual with a disability, including regarding the availability of accessible lavatories and on-board wheelchairs and such individual’s right to request an on-board wheelchair. (3) PUBLIC AWARENESS CAMPAIGN.—The Secretary shall conduct a public awareness campaign on the rights of qualified individuals with a disability, including with respect to accessible lavatories and such individual’s right to request an on-board wheelchair in accordance section 382.65 of title 14, Code of Federal Regulations. (4) QUALIFIED INDIVIDUAL WITH A DISABILITY DEFINED.—In this subsection, the term “qualified individual with a disability” has the meaning given such term in section 382.3 of title 14, Code of Federal Regulations. (5) PENALTIES.—The Secretary may assess a civil penalty in accordance with section 46301 of title 49, United States Code, to any air carrier or foreign air carrier who fails to meet the requirements under paragraph (1) or (2). (b) INCREASED CIVIL PENALTIES.—(1) IN GENERAL.—Section 46301(a)(7) of title 49, United States Code, is amended—(A) in the paragraph heading, by striking “TO HARM” ; and (B) in subparagraph (A)—(i) in the heading, by striking “BODILY HARM OR DAMAGE TO WHEELCHAIR OR OTHER MOBILITY AID” and inserting “DAMAGE TO WHEELCHAIR OR OTHER MOBILITY AID, BODILY HARM, OR FAILURE TO EQUIP AIRCRAFT WITH A WHEELCHAIR”; and (ii) by striking “or injury to a passenger with a disability” and inserting “, injury to a passenger with a disability, or a failure to equip an aircraft with an onboard wheelchair pursuant to section 382.65 of title 14, Code of Federal Regulations (or a successor regulation)”. (2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to flights occurring on or after the effective date of the revision described in subsection (a).; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Mann (Mann 024) (ANS 40); At the end of subtitle B of title III, add the following: SEC. . APPRENTICESHIP PROGRAM FOR PILOTS. (a) DEFINITIONS.—In this section: (1) APPRENTICE.—The term “apprentice” means a student enrolled at a flight school. (2) FLIGHT SCHOOL.—The term “flight school” means a flight academy certified under part 141 of title 14, Code of Federal Regulations. (3) SECRETARY.—The term “Secretary” means the Secretary of Transportation. (b) ESTABLISHMENT.—The Secretary, in consultation with flight schools and other industry stakeholders, shall establish an apprenticeship program with flight schools to establish a pipeline of qualified and interested individuals to become commercial pilots. (c) SELECTION.—Under the apprenticeship program established under subsection (b), each flight school participating in the apprenticeship program established under subsection (b) may select up to 8 applicants to flight school to serve as apprentices each academic year. (d) CURRICULUM AND REQUIREMENTS.—(1) IN GENERAL.—To graduate from an apprenticeship program established under subsection (b), an apprentice shall sat-

isfy any relevant requirements and minimum curriculum under part 141 of title 14, Code of Federal Regulations (or successor regulations), including all curriculum under subpart C of such part. (2) **MINIMUM REQUIREMENTS.**—Nothing in this Act prevents a flight school from imposing additional requirements, such as modifying the terms of service of the apprenticeship program, on an apprentice taking part in an apprenticeship program established pursuant to this section. (e) **OPTIONAL PROGRAM.**—A flight school may choose not to participate in an apprenticeship program established under this section. (f) **REGULATIONS.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue such regulations as are necessary to implement this Act. (g) **INCENTIVIZING RETIRED PILOTS.**—The Secretary shall take such actions as may be appropriate to develop methods to incentivize pilots, including retired military pilots, retiring airline pilots, and graduates of the apprenticeship program established under this section, to become instructors at flight schools, including through the development of pathway programs for such pilots to gain initial qualification or concurrent qualification as certified flight instructors under part 61 of title 14, Code of Federal Regulations.; was **WITHDRAWN**.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Nehls (Nehls 089) (ANS 41); Page 571, after line 25, add the following: (8) ensure that the public phone line for the UAS Integration Office and the office of congressional affairs of the Administration is manned by a non-teleworking individual and operational from the hours of 9 a.m. to 6 p.m.; was **WITHDRAWN**.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Menendez (Menendez 008) (ANS 42); At the end of title VIII, add the following: **SEC. ____ .PARK PROTECTION.** Section 40128(b)(7) of title 49, United States Code, is amended—(1) in subparagraph (B) by striking “or the air traffic control system” and inserting “, the air traffic control system, or the well-being of communities overflown by aircraft involved in such commercial air tour operations”; and (2) in subparagraph (C) by inserting “any community whose lands are, or may be, and” before “any Indian tribe”.; was **WITHDRAWN**.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Yakym (Yakym 016) (ANS 43); Page 522, strike lines 9 through 25 and insert the following: “(6) In Class G airspace, aircraft fling within the safety programming of a recognized community based organization can fly from the surface up to controlled airspace. Operators shall maintain visual line of sight of the aircraft and comply with all airspace restrictions and prohibitions. Flights into controlled airspace require specific authorization from the Administrator.”. (2) in subsection (c) by adding at the end the following: Page 524, strike lines 3 through 8 and insert the following: “(i) from the surface up to controlled airspace without prior authorization from the Administrator; and “(ii) into controlled airspace with prior authorization from the Administrator. Page 524, beginning on line 23, strike “prioritize the review” and all that follows through “section” and insert “designate recognized commu-

nity-based organizations to self-declare FRIAs to sponsored sites that meet criteria developed by the Administrator in coordination with community-based organizations”. Page 526, after line 2, insert the following: (C) by inserting after paragraph (7) the following: “(8) is a designated Federal Aviation Administration Trust Administrator.”; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Ms. Hoyle of Oregon (Hoyle OR 012) (ANS 44); Page 469, after line 15, insert the following: (d) TRAINING MATERIALS.—(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator shall develop and publish training and related educational materials about aircraft engine ingestion and jet blast hazards for ground crews (including supervisory employees) that includes information on—(A) the specific dangers and consequences of entering engine ingestion or jet blast zones; (B) proper protocols to avoid entering an engine ingestion or jet blast zone; and (C) on-the-job, instructor-led training to physically demonstrate the engine ingestion zone boundaries and jet blast zones for each kind of aircraft the ground crew may encounter. (2) TRAINING REGULATIONS.—Not later than 180 days after the publication of the training and related educational materials described in paragraph (1), the Administrator shall promulgate regulations to require any new, transferred, or current (as of the date of enactment of this section) employee of the Federal Aviation Administration to receive the relevant engine ingestion and jet blast zone hazard training before such employee may perform work on the apron.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Gooden of Texas (Gooden TX 034) (ANS 45); At the end of title VIII, add the following: SEC. PILOT PROGRAM FOR FLIGHT TRAINING. (a) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Transportation shall establish a pilot program (in this Act referred to as the “Program”) to award grants to covered flight schools to provide flight training to eligible veterans. (b) ELIGIBLE USE.—A grant under section may be used to provide the training necessary for a veteran to earn the following certificates and ratings issued under part 141 of title 14, Code of Federal Regulations: (1) A private pilot certificate. (2) A commercial pilot certificate. (3) A certified flight instructor certificate. (4) A certified flight instructor instrument certificate. (5) An instrument rating. (6) A multiengine rating. (c) ELIGIBLE VETERANS.—(1) IN GENERAL.—To be eligible to receive flight training from a covered flight school under the Program, a veteran shall—(A) intend to pursue a career as a commercial pilot; (B) have a high school diploma or its equivalent; (C) be able to read, write, and speak English fluently; (D) hold a valid United States passport, or be qualified to obtain such a passport; (E) obtain a second class medical certificate; and (F) meet any other requirements for eligibility as determined appropriate by the Secretary. (2) INELIGIBLE VETERANS.—A veteran shall not be eligible to receive flight training from a covered flight school under the Program if such veteran—(A) has been convicted of a Federal felony offense; or (B) possesses a commercial pilot certificate on or before the date on which such veteran begins receiving flight train-

ing under the Program. (d) **APPLICATIONS TO RECEIVE FLIGHT TRAINING.**—A covered flight school receiving a grant under the Pro5 gram shall be responsible for—(1) soliciting applications for flight training from eligible veterans; (2) reviewing such applications; and (3) selecting veterans to receive flight training and enrolling such veterans in such flight school. (e) **TERMINATION.**—The Program shall terminate 18 months after the date on which the Program is established under subsection (a). (f) **REPORT.**—Not later than 180 days after the Program terminates under subsection (e), the Secretary of Transportation, in consultation with the Secretary of Veterans Affairs, shall submit to the Committees on Education and Labor, Transportation and Infrastructure, and Veterans' Affairs of the House of Representatives, a report that includes a description of the following: (1) How the improvement of the consistency and eligibility for assistance under chapter 33 of title 38, United States Code, may be used to provide flight training to veterans. (2) The costs associated with obtaining a commercial pilot certificate and ways in which such costs could be reduced for veterans seeking a commercial pilot certificate. (3) Ways to increase cooperation between the Department of Transportation, veterans service organizations, and air carriers to recruit, screen, and train veterans as commercial pilots. (4) Ways to improve the availability of Federal student loans to veterans to use for attending vocational flight school. (5) A model program under which States and domestic commercial airlines provide assistance to veterans to obtain the flight training necessary to obtain a commercial pilot certificate with a multiengine rating. (g) **DEFINITIONS.**—In this section: (1) **COVERED FLIGHT SCHOOL.**—The term “covered flight school” means a flight school that—(A) holds a pilot school certificate under part 141 of title 14, Code of Federal Regulations; and (B) is approved to train pilots for a private pilot certificate, instrument rating, a commercial pilot certificate, and a flight instructor certificate. (2) **VETERAN.**—The term “veteran” means a person who served in the active military, naval, air, or space service, and who was discharged or released from such service with an honorable discharge; was **WITHDRAWN.**

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Ms. Titus (Titus 053) (ANS 46); Page 447, strike line 6 and all that follows through page 449, line 24 and insert the following: (a) **IN GENERAL.**—Chapter 447 of title 49, United States Code, is amended by adding at the end the following: “§ 44745. Cockpit recording device “(a) **IN GENERAL.**—Not later than 18 months after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall complete a rulemaking proceeding to—“(1) require that, not later than 4 years after the date of enactment of this Act, all applicable air craft are fitted with a cockpit voice recorder and a flight data recorder that are each capable of recording the most recent 25 hours of data; “(2) prohibit any person from deliberately erasing or tampering with any recording on such a cockpit voice recorder or flight data recorder following a National Transportation Safety Board reportable event under part 830 of title 49, Code of Federal Regulations, and provide for civil and criminal penalties for such deliberate erasing or tampering, which may be assessed in accordance with

section of this title and section 32 of title 18; “(3) require that such a cockpit voice recorder has the capability for an operator to use an erasure feature, such as an installed bulk erase function, consistent with applicable law and regulations; “(4) require that, in the case of such a cockpit voice recorder or flight data recorder that uses a solid state recording medium in which activation of a bulk erase function assigns a random discrete code to the deleted recording, only the manufacturer of the recorder and National Transportation Safety Board have access to the software necessary to determine the code in order to extract the deleted recorded data; and “(5) ensure that data on such a cockpit voice recorder or a flight data recorder, through technical means other than encryption (such as overwriting or the substitution of a blank recording medium before the recorder is returned to the owner) is not disclosed for use other than for accident or incident investigation purposes. “(b) PROHIBITED USE.—A cockpit voice recorder recording shall not be used by the Administrator or any employer for any certificate action, civil penalty, or disciplinary proceedings against flight crewmembers. “(c) APPLICABLE AIRCRAFT DEFINED.—In this section, the term ‘applicable aircraft’ means an aircraft that is—“(1) operated under part 121 of title 14, Code of Federal Regulations; and “(2) required by regulation to have a cockpit voice recorder or a flight data recorder.” (b) CLERICAL AMENDMENT.—The analysis for chapter 447 of title 49, United States Code, is amended by inserting after the item relating to section 44744 the following: “44745. Cockpit recording device.”; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Bean of Florida (Bean FL 013) (ANS 47); Page 125, after line 25, insert the following: (7) Ensuring to the maximum extent practicable that applicants can schedule airman practical tests in no more than 14 calendar days after such tests are requested.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Garamendi (Garamendi 055) (ANS 48); At the end of title VIII of the bill, add the following: SEC. 834. CIVIL AVIATION FACILITY PROGRAMS. (a) IN GENERAL.—Section 50101 of title 49, United States Code, is amended—(1) in subsection (a) by striking “steel and manufactured goods” and inserting “steel, iron, manufactured products, and construction materials”; and (2) in subsection (b)(2) by striking “steel and goods” and inserting “steel, iron, manufactured products, and construction materials”; was WITHDRAWN.

En Bloc amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Rouzer (Rouzer 036) (ANS 49 En Bloc); Page 501, line 8, strike “information” and insert “informational and operational environments”. Page 501, line 11, strike “including” and insert “including, but not limited to, associated networks,”. Page 501, line 12, insert “, including the onboard aircraft avionics” after “computer systems”.; (Rouzer 037) (ANS 49 En Bloc); At the end of title VIII, add the following: SECTION II. SECURING AIRCRAFT AVIONIC SYSTEMS. Section 506(a) of the FAA Reauthorization Act of 2018 (49 U.S.C. 44704 note) is amended— (1) in the matter preceding paragraph (1)—(A) by striking

“consider” and inserting “revise”; and (B) by striking “revising” and inserting “existing”; (2) in paragraph (1) by striking “and” at the end; (3) in paragraph (2) by striking the period at the end and inserting “; and”; and (4) by adding at the end the following: “(3) to require that aircraft avionics serial networks used for flight guidance or aircraft control be monitored to verify they have not been compromised by unauthorized external and internal access.”.

SEC. ____ .COMPTROLLER REVIEW AND REPORT OF CYBERSECURITY OF COMMERCIAL AVIATION AVIONICS. (a) **IN GENERAL.**—The Comptroller General of the United States shall conduct a review on the consideration, identification, and inclusion of aircraft cybersecurity into the strategic framework for aviation security and further as part of the Federal Aviation Administration’s cybersecurity strategy. (b) **CONTENTS OF REVIEW.**—The review under subsection (a) shall assess—(1) how onboard aircraft cybersecurity risks and vulnerabilities are defined and accounted for in the strategy aviation security framework, particularly in pillar 2 “protect and defend FAA networks and systems to mitigate risks to FAA missions and service delivery”; (2) how onboard aircraft cybersecurity, particularly of the aircraft avionics, is considered, incorporated, and prioritized in the cybersecurity strategy pursuant to section 509 of the FAA Reauthorization Act of 2018 (49 U.S.C. 44903 note); (3) how roles and responsibilities for aircraft and ground systems cybersecurity are differentiated and enforced between the Transportation Security Agency and Federal Aviation Administration; (4) how aircraft and ground systems cybersecurity vulnerabilities are being identified and prioritized for mitigation, particularly considering the commercial technology ecosystem; and (5) the budgets of the responsible parties, as identified in subsection (b)(1), to satisfy those mitigation requirements necessary to secure the aviation ecosystem from onboard cybersecurity vulnerabilities.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. García of Illinois (García IL 045) (ANS 50); At the end of title VIII, add the following:

SEC. ____ .IMPROVED ALL CARGO FLIGHT DECK INTEGRITY MEASURES. (a) **IN GENERAL.**—Chapter 447 of title 49, United States Code, is amended by adding at the end the following: “§ 44741. All-cargo flight deck integrity measures “(a) **IN GENERAL.**—It shall be unlawful for an air carrier to operate a covered aircraft after January 1, 2027 in a covered operation unless such aircraft is equipped with a cockpit door that—“(1) meets the requirements of section 25.795(a) of title 14, Code of Federal Regulations, with respect to intrusion resistance; and “(2) remains locked while the aircraft is in flight, as directed by the pilot in command of such aircraft. “(b) **EFFECT OF RULEMAKING.**—The requirement of subsection (a) shall take effect on January 1, 2027, regardless of whether the Administrator of the Federal Aviation Administration has issued regulations to implement such requirement. “(c) **DEFINITIONS.**—In this section: “(1) **COVERED AIRCRAFT.**—The term ‘covered aircraft’ means an aircraft with a cockpit door under subsection (a)(1) on each new aircraft manufactured after January 1, 2027 for delivery used in all-cargo air transportation with a maximum certificated payload capacity that exceeds 6,500 pounds. “(2)

COVERED OPERATION.—The term ‘covered operation’ means an operation in all-cargo air transportation under the provisions of part 121 of title 14, Code of Federal Regulations.”. (b) **CLERICAL AMENDMENT.**—The analysis for chapter 447 of title 49, United States Code, is amended by adding at the end the following: “44741. All-cargo flight deck integrity measures.”.; was **WITHDRAWN**.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Yakym (Yakym 019) (ANS 51); Page 528, beginning on line 19, strike “establishing airworthiness and operational regulations” and insert “establishing performance-based airworthiness and risk-based operational regulations”. Page 529, line 2, insert “, as described in Recommendations AS 2.1 and 2.9 final report of the UAS Beyond Visual Line of Sight Aviation Rulemaking Committee, which require a manufacturer’s declaration of compliance to a Federal Aviation Administration accepted means of compliance and which shall not require type or production certification or the issuance of a special airworthiness certificate”. Page 529, line 6, insert “as described in Recommendation OQ 2.2 of the UAS Beyond Visual Line of Sight Aviation Rulemaking Committee”.; was **WITHDRAWN**.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. García of Illinois (García 046) (ANS 52); At the end of title VIII, add the following: **SEC. _____ ESTABLISHMENT OF OFFICE OF AVIATION CONSUMER PROTECTION.** Section 102 of title 49, United States Code, is amended—(1) in subsection (e)(1)—(A) in the matter preceding subparagraph (A), by striking “7” and inserting “8”; and (B) in subparagraph (A), by striking “and an Assistant Secretary for Transportation Policy” and inserting “an Assistant Secretary for Transportation Policy, and an Assistant Secretary for Aviation Consumer Protection”; and (2) by adding at the end the following: “(j) **OFFICE OF AVIATION CONSUMER PROTECTION.**—“(1) **ESTABLISHMENT.**—There is established in the Department an Office of Aviation Consumer Protection (referred to in this subsection as the ‘Office’) to administer and enforce the aviation consumer protection and civil rights authorities provided to the Department by statute, including those under section 41712—“(A) to assist, educate, and protect passengers; “(B) to monitor compliance with, conduct investigations relating to, and enforce, including by taking appropriate action to address violations of, aviation consumer protection, civil rights, and aviation economic requirements; and “(C) to promulgate, as appropriate, aviation consumer protection and civil rights regulations. “(2) **LEADERSHIP.**—The Office shall be headed by the Assistant Secretary for Aviation Consumer Protection (referred to in this subsection as the ‘Assistant Secretary’). “(3) **TRANSITION.**—Not later than 180 days after the date of enactment of this subsection, the Office of Aviation Consumer Protection that is a unit within the Office of the General Counsel of the Department which is headed by the Assistant General Counsel for Aviation Consumer Protection, shall cease to exist. The Department shall determine which employees are necessary to fulfill the responsibilities of the new Office of Aviation Consumer Protection and those employees shall be transferred from the Office of the General

Counsel as appropriate to the newly established Office of Aviation Consumer Protection. To the extent the Office of the General Counsel retains any attorney or hires any new attorney to advise the newly established Office of Aviation Consumer Protection, those attorneys will be located in the remaining offices within the Office of the General Counsel. “(4) COORDINATION.—The Assistant Secretary shall coordinate with the General Counsel appointed under subsection (e)(1)(E), in accordance with section 1.26 of title 49, Code of Federal Regulations (or a successor regulation), on all legal matters relating to—“(A) aviation consumer protection; and “(B) the duties and activities of the Office described in subparagraphs (A) through (C) of paragraph (1). “(5) ANNUAL REPORT.—The Assistant Secretary shall submit to the Secretary, who shall submit to Congress and make publicly available on the website of the Department, an annual report that, with respect to matters under the jurisdiction of the Department, or otherwise within the statutory authority of the Department—“(A) analyzes trends in aviation consumer protection, civil rights, and licensing; “(B) identifies major challenges facing passengers; and “(C) addresses any other relevant issues, as the Assistant Secretary determines to be appropriate. “(6) FUNDING.—There is authorized to be appropriated \$12,000,000 for fiscal year 2024, \$13,000,000 for fiscal year 2025, \$14,000,000 for fiscal year 2026, \$15,000,000 for fiscal year 2027, and \$16,000,000 for fiscal year 2028.”; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Nehls (Nehls 073) (ANS 53); At the end of subtitle A of title VI, add the following: SEC. 6ll. SMALL UNMANNED AIRCRAFT PILOT RESEARCH FOR PUBLIC SAFETY. (a) IN GENERAL.—Chapter 448 of title 49, United States Code, is amended by adding at the end the following: “§ 44811. Small unmanned aircraft pilot research for public safety “(a) PROHIBITION REGARDING WEAPONS.—The prohibition regarding unmanned aircraft armed with dangerous weapons under section 363 of the FAA Reauthorization Act of 2018 (49 U.S.C. 44802 note) is reaffirmed. “(b) PILOT RESEARCH PROGRAM.—“(1) IN GENERAL.—Not later than 12 months after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall initiate a pilot research program to study the potential use of non-lethal de-escalation unmanned aircraft by law enforcement agencies. “(2) CONTENTS.—The study required under subsection (b) shall address—“(A) the process of assessing and validating non-lethal de-escalation equipment that may be attached to unmanned aircraft; “(B) training protocols for law enforcement and agents of the Administration; and “(C) operational and safety protocols for operators of non-lethal de-escalation unmanned aircraft and agencies directly overseeing the operation of such unmanned aircraft. “(3) PARTNERSHIPS.—The Administrator shall enter into interagency agreements with the Departments of Justice, Department of Homeland Security, or State agencies with regard to the pilot research program established under this subsection. The Administrator may consider unmanned aircraft test ranges designated under section 44803, or Federal or State law enforcement training facilities as locations for such program. “(4) REPORT.—Not later than 2 years after the date of enactment of this Act, the Adminis-

trator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation a report on the results of the pilot research program that includes a description of a potential process through which an applicant to such program may seek permission from the Administrator to operate non-lethal de-escalation unmanned aircraft. “(c) RULEMAKING.—Not later than 6 months after receiving the report set required under subsection (b)(4), the Administrator shall initiate a rulemaking to create a process through which the Administrator shall initiate a rulemaking to create a process through which the Administrator may provide approval to operate non-lethal de-escalation unmanned aircraft. “(d) MANUFACTURING REQUIREMENT.—Any non-lethal de-escalation unmanned aircraft used under the pilot research program shall be manufactured in the United States, as defined by the Federal Trade Commission under part 323 of title 16, Code of Federal Regulations. “(e) DEFINITIONS OF NON-LETHAL DE-ESCALATION UNMANNED AIRCRAFT.—In this section: “(1) NON-LETHAL DE-ESCALATION UNMANNED AIRCRAFT.—The term ‘non-lethal de-escalation unmanned aircraft’ means an unmanned aircraft equipped with 1 or more non-lethal weapons or devices that is—“(A) used by law enforcement personnel in scenarios that present significant risk to human life, including the life of law enforcement personnel, captives, uninvolved individuals, the public, or a suspected criminal; and in which the suspected criminal is in an position through which he or she could potentially escalate the situation and expose human life to a high level of risk. “(2) NON LETHAL WEAPON.—The term ‘non-lethal weapon’ has the meaning given the term in used in DOD Directive Number 300.03E, issued on August 31, 2018, by the Department of Defense.”. (b) CLERICAL AMENDMENT.—The analysis for chapter 448 of title 49, United States Code, is amended by adding at the end the following: “44811. Small unmanned aircraft pilot research for public safety.”; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Huffman (Huffman 030) (ANS 54); Beginning on page 679, line 25, strike “332,000,000 for fiscal year 2024, \$312,000,000 for fiscal year 2025, \$300,000,000 for fiscal year 2026, \$265,000,000 for fiscal year 2027, and \$252,000,000 for fiscal year 2028” and insert “335,000,000 for fiscal year 2024, \$340,000,000 for fiscal year 2025, \$342,000,000 for fiscal year 2026, \$342,000,000 for fiscal year 2027, and \$350,000,000 for fiscal year 2028”.; was NOT AGREED TO by voice vote.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Perry (Perry 200) (ANS 55); At the end of title VIII of the bill, add the following: SEC. 834. PREVAILING WAGES. Section 47112(b) of title 49, United States Code, is amended by inserting “This subsection applies to an airport development project only if the total cost of the project exceeds \$150,000 (with the Secretary of Transportation adjusting such amount for inflation each year.” after “bids.”; was NOT AGREED TO by voice vote.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Perry (Perry 203) (ANS 56); Strike section 429.; was NOT AGREED TO by voice vote.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Huffman (Huffman 029) (ANS 57); Beginning on page 679, line 25, strike “332,000,000 for fiscal year 2024, \$312,000,000 for fiscal year 2025, \$300,000,000 for fiscal year 2026, \$265,000,000 for fiscal year 2027, and \$252,000,000 for fiscal year 2028” and insert “335,000,000 for fiscal year 2024, \$340,000,000 for fiscal year 2025, \$342,000,000 for fiscal year 2026, \$342,000,000 for fiscal year 2027, and \$350,000,000 for fiscal year 2028”.; was NOT AGREED TO by voice vote.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Yakym (Yakym 020) (ANS 58); Page 575, after line 2, insert the following: (J) Commercial drone industry associations.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Perry (Perry 218) (ANS 59); At the end of the bill, add the following: **TITLE X—FREEDOM TO FLY ACT OF 2023 SECTION 1001. SHORT TITLE.** This title may be cited as the “Freedom to Fly Act of 2023”. **SEC. 1002. PROHIBITION ON IMPLEMENTATION OF VACCINATION MANDATE.** The Administrator may not implement or enforce any requirement that employees of air carriers be vaccinated against COVID–19. **SEC. 1003. PROHIBITION ON VACCINATION REQUIREMENTS FOR FAA CONTRACTORS.** The Administrator may not require any contractor to mandate that employees of such contractor obtain a COVID–19 vaccine or enforce any condition regarding COVID–19 vaccination status of employees of a contractor. **SEC. 1004. PROHIBITION ON VACCINE MANDATE FOR FAA EMPLOYEES.** The Administrator may not implement or enforce any requirement that employees of the Administration be vaccinated against COVID–19. **SEC. 1005. PROHIBITION ON VACCINE MANDATE FOR PASSENGERS OF AIR CARRIERS.** The Administrator may not implement or enforce any requirement that passengers of air carriers be vaccinated against COVID–19. **SEC. 1006. PROHIBITION ON IMPLEMENTATION OF A MASK MANDATE.** The Administrator may not implement or enforce any requirement that employee of air carriers wear a mask. **SEC. 1007. PROHIBITION ON MASK MANDATES FOR FAA CONTRACTORS.** The Administrator may not require any contractor to mandate that employees of such contractor wear a mask. **SEC. 1008. PROHIBITION ON MASK MANDATE FOR FAA EMPLOYEES.** The Administrator may not implement or enforce any requirement that employees of the Administration wear a mask. **SEC. 1009. PROHIBITION ON MASK MANDATE FOR PASSENGERS OF AIR CARRIERS.** The Administrator may not implement or enforce any requirement that passengers of air carriers wear a mask. **SEC. 1010. DEFINITIONS.** In this title: (1) **ADMINISTRATOR.**—The term “Administration” means the Administrator of the Federal Aviation Administration. (2) **AIR CARRIER.**—The term “air carrier” has the meaning given such term in section 40102 of title 49, United States Code.; was AGREED TO by a recorded vote of 33 yeas and 32 nays (Roll Call No. 021).

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Perry (Perry 207) (ANS 60); Strike section 419 of the bill and insert the following: SEC. 419. REPEAL. Section 47136 of title 49, United States Code, is repealed.; was NOT AGREED TO by voice vote.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Perry (Perry 222) (ANS 61); At the end of title VIII of the bill, add the following: SEC. 834. AIR TRAFFIC CONTROLLER SEPARATION. Section 8335(a) of title 5, United States Code, is amended—(1) by striking “56 years of age” and inserting “58 years of age”; and (2) by striking “61 years of age” and inserting “63 years of age”.; was NOT AGREED TO by voice vote.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. DeSaulnier (DeSaulnier 017) (ANS 62); At the end of title VIII, add the following: SEC. .TASK FORCE ON HUMAN FACTORS IN AVIATION SAFETY. (a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall convene a task force on human factors in aviation safety (in this section referred to as the “Task Force”). (b) COMPOSITION.—The Task Force shall consist of members appointed by the Administrator and having expertise in an operational or academic discipline that is relevant to the analysis of human errors in aviation. The number of members shall be determined by the Administrator to ensure sufficient representation of relevant operational and academic disciplines. (c) DURATION.—(1) IN GENERAL.—Members of the Task Force shall be appointed for the length of the existence of the Task Force. (2) LENGTH OF EXISTENCE.—(A) IN GENERAL.—The Task Force shall have an initial length of existence of 2 years. (B) OPTION.—The Administrator may exercise an option to lengthen the duration of the existence of the Task Force for a period of 2 years. (d) DISCIPLINES.—For purposes of subsection (b), disciplines may include air carrier operations, line pilot expertise, air traffic control, technical operations, aeronautical information, aircraft maintenance and mechanics psychology, linguistics, human-machine integration, general aviation operations, and organizational behavior and culture. (e) EXPERTISE.—(1) IN GENERAL.—No less than half of the members shall have expertise in aviation. (2) ADDITIONAL EXPERTISE.—The Task Force shall include members with expertise on human factors but whose experience and training are not in aviation specifically and who have not previously been engaged in work related to the Federal Aviation Administration or the aviation industry. The Task Force shall also include pilot labor organization, certificated mechanic labor organizations, and at least one member from an air traffic controller labor organization. (f) FEDERAL AVIATION ADMINISTRATION MEMBERS.—(1) IN GENERAL.—Not more than 4 members may be employees of the Federal Aviation Administration and National Transportation Safety Board, excluding representatives of the labor representatives of employees of the air traffic control system. Not more than 2 members may be employees of the National Transportation Safety Board. The Federal Aviation Administration and the National Transportation Safety Board members shall be non-voting. (2) FEDERAL AVIATION ADMINISTRATION EMPLOY-

EES.—Any member who is an Federal Aviation Administration employee shall have expertise in safety. (g) DUTIES.—In coordination with the Research, Engineering, and Development Advisory Committee established under section 44508 of title 49, United States Code, the Task Force shall—(1) not later than the date on which the Task Force is no longer in existence, produce a written report that—(A) to the greatest extent possible, identifies the most significant human factors and the relative contribution of such factors to aviation safety risk; (B) identifies new research priorities for research in human factors in aviation safety; (C) reviews existing products by other working groups related to human factors in aviation safety including the Commercial Aviation Safety Team (CAST)'s work pertaining to flight crew responses to abnormal events; (D) provides recommendations on potential revisions to any Federal Aviation Administration regulations and guidance pertaining to the certification of aircraft under part 25 of title 14, Code of Federal Regulations, including sections related to presumed pilot response times and assumptions about the reliability of pilot performance during unexpected, stressful events; (E) reviews rules, regulations, or standards regarding flight crew rest and fatigue, as well as maintenance personnel rest and fatigue, that are used by a sample of international air carriers, including those deemed to be more stringent and less stringent than the current standards pertaining to United States air carriers, and identify risks to the National Airspace System from any such variation in standards across countries; (F) reviews pilot training requirements and recommend any revisions necessary to ensure adequate understanding of automated systems on aircraft; (G) reviews approach and landing misalignment and make any recommendations for improving these events; (H) identifies ways to enhance instrument landing system maintenance schedules; determines how a real-time smart system should be developed that informs the Air Traffic Control System, Airlines, and Airports about any changes in the state of runway and taxiway lights; and identifies how this system could be connected to the Federal Aviation Administration's maintenance system; (I) analyzes, with respect to human errors related to aviation safety of part 121 air carriers—(i) fatigue and distraction during critical phases of work among pilots or other aviation personnel; (ii) tasks and workload; (iii) organizational culture; (iv) communication among personnel; (v) adherence to safety procedures; (vi) mental state of personnel; and (vii) any other relevant factors that are the cause or potential cause of human error related to aviation safety; (J) includes a tabulation of the number of accidents, incidents, or aviation safety database entries received in which an item identified under subparagraph (I) was a cause or potential cause of human error related to aviation safety; and (K) includes a list of causes or potential causes of human error related to aviation safety about which the Administrator believes additional information is needed; and (2) if the Secretary exercises the option described in subsection (c)(2)(B), not later than the date that is 2 years after the date of establishment of the Task Force, produce an interim report containing the information described in paragraph (1). (h) METHODOLOGY.—To complete the report under subparagraphs (I) through (K) of subsection (g)(1), the Task Force shall consult with the National Transportation Safety Board and use all avail-

able data compiled and analysis conducted on safety incidents and irregularities collected during the relevant fiscal year from the following: (1) Flight Operations Quality Assurance. (2) Aviation Safety Action Program. (3) Aviation Safety Information Analysis and Sharing. (4) The Aviation Safety Reporting System. (5) Aviation safety recommendations and investigation findings of the National Transportation Safety Board. (6) Other relevant programs or sources. (i) APPLICABLE LAW.—Section 1013 of title 5, United States Code, shall not apply to the Task Force.; was NOT AGREED TO by voice vote.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Perry (Perry 214) (ANS 63); Page 256, line 1, strike “or labor”. Page 256, line 7, strike “or labor”.; was NOT AGREED TO by voice vote.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Garamendi (Garamendi 062) (ANS 64); At the end of title VIII, add the following: SEC. . PROJECT DELIVERY INNOVATION. (a) IN GENERAL.—Subchapter I of chapter 471 of title 49, United States Code, is amended by adding at the end the following: “§47145. Project delivery innovation “(a) IN GENERAL.—The Secretary of Transportation shall allow any airport eligible to receive grants under this subchapter to implement projects using funding made available under the heading ‘Federal Aviation Administration—Airport Infrastructure Grants’ under title VIII of the Infrastructure Investment and Jobs Act (Public Law 117–58) through contracting mechanisms that would comply with existing law and regulations governing the use of Federal funding for airport projects under this subchapter through alternative delivery methods such as Construction Manager-at-Risk or Progressive Design Build. “(b) PROCUREMENT.—The funding described in subsection (a) may be allocated to a non-federally procured existing project that is utilizing an alternative delivery method, as long as the eligible airport modifies existing contracts to incorporate the required Federal provisions.”. (b) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 471 of title 49, United States Code, is amended by adding at the end the following: “47145. Project delivery innovation.”.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Perry (Perry 220) (ANS 65); Page 691, line 11, strike “and”. Page 691, line 13, strike the period and insert “; and”. Page 691, after line 13, insert the following: (4) the sale or disposal of unneeded offices.; was NOT AGREED TO by voice vote.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. DeSaulnier (DeSaulnier 016) (ANS 66); At the end of title VIII, add the following: SEC. 834. PAID FAMILY AND MEDICAL LEAVE FOR FAA AND TSA EMPLOYEES. (a) IN GENERAL.—Section 40122(g)(5) of title 49, United States Code, is amended to read as follows: “(5) FAMILY AND MEDICAL LEAVE.—“(A) PAID PARENTAL LEAVE.—“(i) IN GENERAL.—The Administrator shall implement a paid parental leave benefit for employees of the Administration that is, at a minimum, con-

sistent with the paid parental leave benefits provided under section 6382 of title 5. “(ii) **ADDITIONAL REQUIREMENTS.**—The paid parental leave benefit provided under clause (i) shall provide for the following: “(I) The entitlement to leave for the placement of a son or daughter with the employee for adoption or foster care may commence prior to the placement of the son or daughter to be adopted for activities necessary to allow the adoption to proceed. “(II) An employee may use leave for the birth of a son or daughter of the employee and in order to care for such son or daughter in the event that the employee experiences any of the following: “(aa) A pregnancy loss. “(bb) An unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure. “(cc) A failed adoption match or an adoption that is not finalized because it is contested by another party. “(dd) A failed surrogacy arrangement. “(ee) A diagnosis or event that impacts pregnancy or fertility. “(III) An employee may use leave for the birth of a son or daughter of the employee and in order to care for such son or daughter in the event that the absence is necessary to care for a spouse or domestic partner who experiences a circumstance described in subclause (II). “(IV)(aa) In the event that an employee gives birth to a child under a surrogacy arrangement, the employee may use leave for the birth of a son or daughter of the employee and in order to care for such son or daughter during such recovery period. “(bb) For an employee who gives birth to a child under a surrogacy arrangement, the child shall be considered to be the child of the employee for purposes of determining entitlement to leave under provided pursuant to this subparagraph. “(V) In the event that a child dies during the birth-giving parent’s post-birth recovery period, the employee may use leave for the birth of a son or daughter of the employee and in order to care for such son or daughter during such recovery period. In the case of the employee who is not the birth-giving parent, such leave is available only to the extent the employee is providing care to the birth-giving parent. In these circumstances, an employee may not use paid leave, provided pursuant to subparagraph (B), that is described in paragraphs (C) or (D) section 102(a)(1) of the Family and Medical Leave Act of 1993. “(B) **OTHER PAID FAMILY AND MEDICAL LEAVE.**—The Administrator shall implement a paid leave benefit for employees of the Administration that provides paid family and medical leave described in each of subparagraphs (C), (D), and (E) of section 102(a)(1) of the Family and Medical Leave Act of 1993. Such paid leave benefit shall be in addition to any other paid leave provided to employees.”. (b) **TSA.**—Section 111(d)(B) of the Aviation and Transportation Security Act is amended by adding after the period at the end the following: “The provisions of paragraph (5)(A)(ii) and paragraph (5)(B) of section 40122(g) of title 49, United States Code, shall apply to any individual appointed under paragraph (1).” (c) **APPLICATION.**—Subparagraph (A)(ii) and subparagraph (B) of such section 40122(g)(5) (as added by subsection (a) of this section), and the amendment to subparagraph (B) of section 111(d) of the Aviation and Transportation Security Act under subsection (b) of this section, shall apply with respect to any event for which family and medical leave may be taken under any of such subparagraphs occurring on or after the date that is 6 months after

the date of enactment of this Act.; was NOT AGREED TO by a recorded vote of 28 yeas and 37 nays (Roll Call No. 022).

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Perry (Perry 205) (ANS 67); At the end of title VIII, add the following: SEC. . AIRSPACE CLEARINGHOUSE ENHANCEMENT. (a) STRUCTURES INTERFERING WITH AIR COMMERCE OR NATIONAL SECURITY.—Section 44718 of title 49, United States Code, is further amended—(1) in subsection (a), by inserting “on a publicly available website” after “public notice”; (2) by redesignating subsection (h) as subsection (i); and (3) by inserting after subsection (g) the following: “(h) SPECIAL RULE FOR ENERGY PROJECTS.—“(1) IN GENERAL.—Any person who is required to submit an application for an energy project under this section shall include in such application a disclosure of any relationship such person has with a foreign principal or with an agent of a foreign principal. “(2) INACCURATE DISCLOSURE OF RELATIONSHIP WITH FOREIGN PRINCIPAL.—“(A) IN GENERAL.—The Secretary of Transportation, in consultation with the Attorney General of the United States, shall establish a process to evaluate the accuracy of a disclosure made under paragraph (1) and determine whether a person has knowingly violated such paragraph. “(B) INITIAL PENALTY FOR INACCURATE DISCLOSURE.—If the Secretary determines that a person has knowingly violated paragraph (1), such person shall be prohibited from submitting an application for an energy project under this section during the period beginning on the date on which the Secretary made the determination under subparagraph (A) and ending on the date that is 2 years after such determination. “(C) PENALTIES FOR SUBSEQUENT INACCURATE DISCLOSURES.—If the Secretary determines that a person knowingly violates paragraph (1) after an initial violation under subparagraph (B), such person shall be permanently prohibited from submitting an application for an energy project under this section. “(3) DEFINITIONS.—In this subsection: “(A) ENERGY PROJECT.—The term ‘energy project’ has the meaning given such term in section 183a(h) of title 10. “(B) FOREIGN PRINCIPAL; AGENT OF A FOREIGN PRINCIPAL.—The terms ‘foreign principal’ and ‘agent of a foreign principal’ have the meaning given such terms in section 1 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611).” (b) REVIEW OF PROPOSED ACTIONS.—Section 183a(c)(3) of title 10, United States Code, is amended by inserting “The Clearinghouse shall ensure that a governor has at least 120 days after the date on which the governor receives the notice of presumed risk to provide any such comments and shall provide detailed information and other information necessary to ensure that the governor can fully understand the nature of the presumed risk.” after the first sentence.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Perry (Perry 201) (ANS 68); TITLE X—ATC CORPORATION; was NOT AGREED TO by voice vote.

En Bloc amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Graves of Missouri (Graves MO 016) (ANS 69 En Bloc); Page 199, line 10, insert “and may not du-

plicate the objectives of the Air Carrier Training Aviation Rule-making Committee” before the period at the end. Strike section 547 and insert the following: SEC. 547. INCREMENTAL SAFETY IMPROVEMENT. Section 44704 of title 49, United States Code, is amended by adding at the end the following: “(h) INCREMENTAL SAFETY IMPROVEMENT.—“(1) IN GENERAL.—The Administrator may consider and approve a proposed incremental design change request from a type certificate holder, if such holder is required by the Administrator to make a safety-related design change to bring a product into compliance, even if the proposed incremental design change does not eliminate all non-compliant conditions. “(2) PROPOSED INCREMENTAL DESIGN CHANGE.—A proposed incremental design change under paragraph (1) shall—“(A) be related to the required safety-related change described in this subsection; and “(B) improve safety. “(3) FULL COMPLIANCE.—An approval issued under this subsection shall not be construed to relieve a type certificate holder from addressing all non-compliant conditions under paragraph (1).”. Strike section 744. Strike section 845 and insert the following: SEC. 845. CREWMEMBER PUMPING GUIDANCE. (a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue guidance to part 121 air carriers relating to the expression of milk by crewmembers on an aircraft during non-critical phases of flight, consistent with the performance of the crewmember’s duties aboard the aircraft. The guidance shall be equally applicable to any lactating crewmember. In developing the guidance, the Administrator shall—(1) consider multiple methods of expressing breast milk that could be used by crewmembers, including the use of wearable lactation technology; and (2) ensure the guidance will not require an air carrier or foreign air carrier to incur significant expense, such as through—(A) the addition of an extra crewmember in response to providing a break; (B) removal or retrofitting of seats on the aircraft; or (C) modification or retrofitting of an aircraft. (b) DEFINITIONS.—In this section: (1) CREWMEMBER.—The term “crewmember” has the meaning given such term in section 1.1 of title 14, Code of Federal Regulations. (2) CRITICAL PHASES OF FLIGHT.—The term “critical phases of flight” has the meaning given such term in section 121.542 of title 14, Code of Federal Regulations. (3) PART 121.—The term “part 121” means part 121 of title 14, Code of Federal Regulations. (c) AVIATION SAFETY.—Nothing in this section shall limit the authority of the Administrator relating to aviation safety under subtitle VII of title 49, United States Code. (Norton 056) (ANS 69 En Bloc); Page 451, line 10, strike “18” and insert “12”. Page 451, line 15, insert “, and training required for flight crew” after “medical kits”. Page 451, line 18, insert “(including the costs of flight diversions and emergency landings)” after “costs”. Page 451, strike lines 22 through 24 and insert the following: (2) whether the contents of the emergency medical kits include the appropriate medications and equipment that can practicably be administered to address— Page 452, after line 5, insert the following: (c) CONSULTATION.— In conducting the review required under subsection (a), the Administrator shall consult with associations representing aerospace medical professionals. (Molinaro 052 Revised) (ANS 69 En Bloc); Page 574, strike line 23 and all that follows through page 575, line 2 and

insert the following: (I) certified labor organizations representing commercial airline pilots, air traffic control specialists employed by the Administration, certified aircraft maintenance technicians, certified aircraft dispatchers, and aviation safety inspectors. Page 631, strike line 24. Page 632, strike lines 11 through 17 and insert the following: (16) certified labor organizations representing aviation workers, including—(A) Federal Aviation Administration employees; (B) airline pilots working for air carriers operating under part 121 of title 14, Code of Federal Regulations; (C) flight attendants working for air carriers operating under part 121 of title 14, Code of Federal Regulations; and (D) other customer facing airline and airport workers; Page 692, strike lines 11 through 13 and insert the following: (4) certified labor organizations representing flight attendants at air carriers operating under part 121 of title 14, Code of Federal Regulations; (5) certified labor organizations representing aircraft maintenance technicians; (6) certified labor organizations representing other aviation workers, as appropriate; (Garamendi 065 Revised) (ANS 69 En Bloc); At the end of title VIII, add the following: SEC. 11. AIRCRAFT INTERCHANGE AGREEMENT LIMITATIONS. (a) IN GENERAL.—Not later than 6 months after the date of enactment of this section, the Administrator shall revise section part 121.569 of title 14, Code of Federal Regulations, to include each of the provisions described in subsection (b). (b) PROVISIONS DESCRIBED.—The provisions described in this subsection are the following: (1) A 30-day limit on foreign aircraft interchange agreements. (2) A minimum break between foreign aircraft interchange renewals of 90 days. (3) A limit of no more than 1 foreign aircraft interchange agreement between 2 airlines. (4) A limit of no more than 2 foreign aircraft on the interchange agreement.; (Edwards 012 Revised) (ANS 69 En Bloc); Page 280, after line 21, insert the following: (d) REPORT.—The Comptroller General of the United States shall issue a report on the Airports Office of the Federal Aviation Administration and the Airport Improvement Program and include in such report a description of—(1) the responsibilities of States participating in the block grant program under section 47128 of title 49, United States Code; and (2) the impact of the Infrastructure Investment and Jobs Act (117–58) and other Federal administrative funding sources on the ability of such States to disburse and administer Airport Improvement Program funds.; (Ezell 007) (ANS 69 En Bloc); At the end of title VIII of the bill, add the following: SEC. 834. SECONDARY RUNWAYS. In approving grants for projects with funds made available pursuant to title VIII of division J of the Infrastructure Investment and Jobs Act (Public Law 117–58) under the heading “Federal Aviation Administration—Airport Infrastructure Grants”, the Administrator of the Federal Aviation Administration shall consider permitting a nonhub or small hub airport to use such funds to extend secondary runways, notwithstanding the level of operational activity as such airport.; (Molinaro 051 Revised) (ANS 69 En Bloc); Page 574, strike line 23 and all that follows through page 575, line 2 and insert the following: (I) certified labor organizations representing commercial airline pilots, air traffic control specialists employed by the Administration, certified aircraft maintenance technicians, certified aircraft dispatchers, and aviation safety inspectors. Page 631, strike line 24. Page 632, strike

lines 11 through 17 and insert the following: (16) certified labor organizations representing aviation workers, including—(A) Federal Aviation Administration employees; (B) airline pilots working for air carriers operating under part 121 of title 14, Code of Federal Regulations; (C) flight attendants working for air carriers operating under part 121 of title 14, Code of Federal Regulations; and (D) other customer facing airline and airport workers; Page 692, strike lines 11 through 13 and insert the following: (4) certified labor organizations representing flight attendants at air carriers operating under part 121 of title 14, Code of Federal Regulations; (5) certified labor organizations representing aircraft maintenance technicians; (6) certified labor organizations representing other aviation workers, as appropriate; (Molinaro 053) (ANS 69 En Bloc); At the end of title VII, add the following: SEC. . . SPECIAL RULE FOR RECLASSIFICATION OF CERTAIN UNCLASSIFIED AIRPORTS. (a) REQUEST FOR RECLASSIFICATION.—(1) IN GENERAL.—Not later than September 30, 2024, a privately owned reliever airport (as defined in section 47102 of title 49, United States Code) that is identified as unclassified in the National Plan of Integrated Airport Systems, 2021–2025 (as published under section 47103 of title 49, United States Code) may submit to the Secretary of Transportation a request to reclassify the airport according to the criteria used to classify a publicly owned airport. (2) REQUIRED INFORMATION.—In submitting a request under paragraph (1), the privately owned reliever airport shall include the following information: (A) A sworn statement and accompanying documentation that demonstrates how the airport would satisfy the requirements of Federal Aviation Administration Order 5090.5, titled “Formulation of the NPIAS and ACIP”, (or any successor guidance) to be classified as “Local” or “Basic” if the airport was publicly owned. (B) A report that—(i) identifies the role of the airport to the aviation system; and (ii) describes the long-term fiscal viability of the airport based on demonstrated aeronautical activity and associated revenues relative to ongoing operating and maintenance costs. (b) ELIGIBILITY REVIEW.—(1) IN GENERAL.—Not later than 60 days after receiving a request from a privately owned reliever airport under subsection (a), the Secretary of Transportation shall perform an eligibility review with respect to the airport, including an assessment of the airport’s safety, security, capacity, access, compliance with Federal grant assurances, and protection of natural resources and the quality of the environment, as prescribed by the Secretary. (2) PUBLIC SPONSOR.—In performing the eligibility review under paragraph (1), the Secretary of Transportation—(A) may require the airport requesting reclassification to provide information regarding the outlook (whether positive or negative) for obtaining a public sponsor; and (B) may not require the airport to obtain a public sponsor. (c) RECLASSIFICATION BY THE SECRETARY.—(1) IN GENERAL.—Not later than 60 days after receiving a request from a privately owned reliever airport under subsection (a)(1), the Secretary of Transportation shall grant such request if the following criteria are met: (A) The request includes the required information under subsection (a)(2). (B) The privately owned reliever airport, to the satisfaction of the Secretary—(i) passes the eligibility review performed under subsection (b); or (ii) submits a corrective action plan in accordance with paragraph (2).

(2) **CORRECTIVE ACTION PLAN.**—With respect to a privately owned reliever airport that does not, to the satisfaction of the Secretary, pass the eligibility review performed under subsection (b), such airport may resubmit to the Secretary a reclassification request along with a corrective action plan that—(A) resolves any shortcomings identified in such eligibility review; and (B) proves that any necessary corrective action has been completed by the airport. (d) **EFFECTIVE DATE.**—The reclassification of any privately owned reliever airport under this section shall take effect not later than—(1) fiscal year 2025 for any request granted under subsection (c)(1); and (2) fiscal year 2026 for any request granted after the submission of a corrective action plan under subsection (c)(2).; (Gooden TX 036) (ANS 69 En Bloc); At the end of title VIII, add the following: **SEC. 811. FEDERAL AVIATION ADMINISTRATION ACADEMY AND FACILITY EXPANSION PLAN.** (a) **PLAN.**—(1) **IN GENERAL.**—No later than 90 days after the date of enactment of this section, the Administrator shall initiate the development of a plan to—(A) expand overall FAA capacity relating to facilities, instruction, equipment, and training resources to grow the number of developmental air traffic controllers enrolled per fiscal year and support increases in FAA air controller staffing to advance the safety of the national airspace system; and (B) establish a second FAA Academy. (2) **CONSIDERATIONS.**—In developing the plan under paragraph (1), the Administrator shall consider—(A) the resources needed to support an increase in the total number of developmental air traffic controllers enrolled at the FAA Academies; (B) the resources needed to lessen FAA Academy attrition per fiscal year; (C) how to modernize the education and training of developmental air traffic controllers, including through the use of new techniques and technologies to support instruction, and whether field training can be administered more flexibly, such as at other FAA locations across the country; (D) the equipment needed to support expanded instruction, including air traffic control simulation systems, virtual reality, and other virtual training platforms; (E) projected staffing needs associated with FAA Academy expansion and the operation of virtual education platforms, including the number of on-the-job instructors needed to educate and train additional developmental air traffic controllers; (F) the use of existing FAA-owned facilities and classroom space and identifying potential opportunities for new construction; (G) the costs of—(i) expanding FAA capacity (as described in paragraph (1)(A)); and (ii) establishing a second FAA Academy (as described in paragraph (1)(B)); (H) soliciting input from, and coordinating with, relevant stakeholders as appropriate, including the exclusive bargaining representative of air traffic control specialists of the FAA certified under section 7111 of title 5, United States Code; and (I) other logistical and financial considerations as determined by appropriate the Administrator. (b) **REPORT.**—Not later than one year after the date of enactment of this section, the Administrator shall submit to the appropriate committees of Congress the plan developed under subsection (a). (c) **BRIEFING.**—Not later than 180 days after the submission of the plan under subsection (b), the Administrator shall brief the appropriate committees of Congress on the plan, including the implementation of the plan.; (Johnson SD 033) (ANS 69 En Bloc); Page 679, strike lines 17 through 20 and insert the fol-

lowing: (3) SECTION 41731.—Section 41731 of title 49, United States Code, is amended—(A) in subsection (c) by inserting “and section 41737(a)(1)(F)” after “subsection (a)(1)”; and (B) in subsection (d) by inserting “and section 41737(a)(1)(F)” after “subsection (a)(1)(B).”; (Stauber 017) (ANS 69 En Bloc); Page 679, line 16, strike “not greater than.”; (Stauber 018) (ANS 69 En Bloc); Page 640, strike line 3 and all that follows through page 643, line 3 and insert the following: (d) FEASIBILITY OF IN CABIN WHEELCHAIR RESTRAINT SYSTEMS.—(1) ROADMAP.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to the appropriate committees of Congress a publicly available strategic roadmap that describes how the Department of Transportation and the United States Access Board, respectively, shall, in accordance with the recommendations from the National Academies of Science, Engineering, and Mathematics Transportation Research Board Special Report 341—(A) establish a program of research, in collaboration with the Rehabilitation Engineering and Assistive Technology Society of North America (RESNA), the assistive technology industry, air carriers, original equipment manufacturers, national disability and disabled veterans organizations, and any other relevant stakeholders, to test and evaluate an appropriate selection of WC19-compliant wheelchairs and accessories in accordance with applicable FAA crashworthiness and safety performance criteria, including the issues and considerations set forth in Special Report 341; and (B) sponsor studies that assess issues and considerations, including those set forth in Special Report 341, such as—(i) the likely demand for air travel by individuals who are nonambulatory if such individuals could remain seated in their personal wheelchairs in flight; and (ii) the feasibility of implementing seating arrangements that would accommodate passengers in wheelchairs in the main cabin in flight. (2) STUDY.—If determined to be technically feasible by the Secretary, not later than 2 years after making such determination, the Secretary shall commence a study to assess the economic and financial feasibility of air carriers and foreign air carriers implementing seating arrangements that accommodate passengers with wheelchairs (including power wheelchairs, manual wheelchairs, and scooters) in the main cabin during flight. Such study shall include an assessment of—(A) the cost of such seating arrangements, equipment, and installation; (B) the demand for such seating arrangements; (C) the impact of such seating arrangements on passenger seating and safety on aircraft; (D) the impact of such seating arrangements on the cost of operations and airfare; and (E) any other information determined appropriate by the Secretary. (3) REPORT.—Not later than 1 year after the date on which the study under paragraph (2) is completed, the Secretary shall submit to the appropriate committees of Congress a publicly available report describing the results of the study conducted under paragraph (2), together with any recommendations the Secretary determines appropriate.; (Auchincloss 017) (ANS 69 En Bloc); At the end of title VIII of the bill, add the following: SEC. 834. RULE OF CONSTRUCTION. Nothing in this Act shall be construed to—(1) prevent airports from engaging in curb management practices, including determining and assigning curb designations, regulations, and to install and maintain upon any of the roadways or parts of roadways

as many curb zones as necessary to aid in the regulation, control, and inspection of passenger loading and unloading; or (2) prevent airports from enforcing curb zones using sensor, camera, automated license plate recognition, and software technologies and issuing citations by mail to the registered owner of the vehicle.; (Titus 057) (ANS 69 En Bloc); At the end of subtitle A of title VII, add the following: SEC. 7 . IMPROVED TRAINING STANDARDS FOR ASSISTING PASSENGERS WHO USE WHEELCHAIRS. (a) RULEMAKING.—Not later than 6 months after the date of enactment of this section, the Secretary shall issue a notice of proposed rulemaking to develop requirements for minimum training standards for airline personnel or contractors who assist wheelchair users who must board or deplane using an aisle chair or other boarding device. (b) REQUIREMENTS.—The training standards developed under subsection (a) shall require, at a minimum, that airline personnel or contractors who assist wheelchair users who must board or deplane using an aisle chair or other boarding device—(1) complete refresher training within 18 months and be recertified on the job within 18 months by a superior in order to remain qualified for providing aisle chair assistance; and (2) be able to successfully demonstrate the each of following skills in hands-on training sessions before being allowed to board or deplane a passenger using an aisle chair or other boarding device: (A) How to safely use the aisle chair, or other boarding device, including the use of all straps, brakes, and other safety features. (B) How to assist in the transfer of passengers to and from their wheelchair, the aisle chair, and the aircraft's passenger seat, either by physically lifting the passenger or deploying a mechanical device for the lift or transfer. (C) How to effectively communicate with, and take instruction from, the passenger. (c) CONSIDERATIONS.—In conducting the rulemaking under subsection (a), the Secretary shall consider, at a minimum—(1) whether to require air carriers and foreign air carriers to partner with national disability organizations and disabled veterans organizations representing individuals with disabilities who use wheelchairs and scooters in developing and reviewing training; and (2) whether individuals able to provide boarding and deplaning assistance for passengers with limited or no mobility should receive training incorporating procedures from medical professionals on how to properly lift these passengers. (d) FINAL RULE.—Not later than 12 months after the date of enactment of this section, the Secretary shall issue a final rule pursuant to the rulemaking conducted under this section. (e) PENALTIES.—The Secretary may assess a civil penalty in accordance with section 46301 of title 49, United States Code, to any air carrier or foreign air carrier who fails to meet the requirements established under the final rule under subsection (d). SEC. 7 . TRAINING STANDARDS FOR STOWAGE OF WHEELCHAIRS AND SCOOTERS. (a) RULEMAKING.—Not later than 6 months after the date of enactment of this section, the Secretary shall issue a notice of proposed rulemaking to develop minimum training standards related to stowage of wheelchairs and scooters on aircraft. (b) REQUIREMENTS.—The training standards developed under subsection (a) shall require, at a minimum, that airline personnel or contractors who stow wheelchairs and scooters on aircraft—(1) complete refresher training within 18 months and be recertified on the job

within 18 months by a superior in order to remain qualified for handling and stowing wheelchairs and scooters; and (2) be able to successfully demonstrate the each of following skills in hands-on training sessions before being allowed to handle or stow a wheelchair or scooter: (A) How to properly handle and configure, at a minimum on a common design for power and manual wheelchairs and scooters for stowage on each aircraft type operated by the air carrier or foreign air carrier. (B) How to properly review any wheelchair or scooter information provided by the passenger or the assistive device manufacturer. (C) How to properly load, secure, and unload wheelchairs and scooters, including how to use any specialized equipment for loading or unloading, on each aircraft type operated by the air carrier or foreign air carrier. (c) CONSIDERATIONS.—In conducting the rulemaking under subsection (a), the Secretary shall consider, at a minimum whether to require air carriers and foreign air carriers to partner with wheelchair manufacturers, national disability and disabled veterans organizations representing individuals who use wheelchairs and scooters, and aircraft manufacturers, in developing training. (d) FINAL RULE.—Not later than 12 months after the date of enactment of this section, the Secretary shall issue a final rule pursuant to the rulemaking conducted under this section. (e) PENALTIES.—The Secretary may assess a civil penalty in accordance with section 46301 of title 49, United States Code, to any air carrier or foreign air carrier who fails to meet the requirements established under the final rule under subsection (d).

SEC. 711. INVESTIGATION OF COMPLAINTS. Section 41705(c) of title 49, United States Code, is amended by striking paragraph (1), and inserting the following: “(1) IN GENERAL.—The Secretary shall—“(A) not later than 120 days after the receipt of any complaint of a violation of this section or a regulation prescribed under this section, investigate such complaint; and “(B) provide, in writing, to the individual that filed the complaint and the air carrier or foreign air carrier alleged to have violated this section or a regulation prescribed under this section, the determination of the Secretary with respect to—“(i) whether the air carrier or foreign air carrier violated this section or a regulation prescribed under this section; “(ii) the facts underlying the complaint; and “(iii) any action the Secretary is taking in response to the complaint.”.”. At the end of subtitle B of title VII, insert the following:

SEC. 754. STANDARDS. (a) AIRCRAFT ACCESS STANDARDS.—(1) STANDARDS.—(A) ADVANCE NOTICE OF PROPOSED RULEMAKING.—Not later than 1 year after the date of enactment of this section, the Secretary of Transportation shall issue an advanced notice of proposed rulemaking regarding standards to ensure that the aircraft boarding and deplaning process is accessible, in terms of design for and transportation of, and communication with, individuals with disabilities, including individuals who use wheelchairs. (B) NOTICE OF PROPOSED RULE MAKING.—Not later than 1 year after the date on which the advanced notice of proposed rulemaking under subparagraph (A) is completed, the Secretary shall issue a notice of proposed rulemaking regarding standards addressed in subparagraph (A). (C) FINAL RULE.—Not later than 1 year after the date on which the notice of proposed rulemaking under subparagraph (B) is completed, the Secretary shall issue a final rule. (2) COVERED AIRPORT,

EQUIPMENT, AND FEATURES.—The standards prescribed under paragraph (1)(A) shall address, at a minimum—(A) boarding and deplaning equipment; (B) improved procedures to ensure the priority cabin stowage for manual assistive devices pursuant to section 382.67 of title 14, Code of Federal Regulations; and (C) improved cargo hold storage to prevent damage to assistive devices.

(3) CONSULTATION.—For purposes of the rulemaking in subsection (a), the Secretary shall consult with the Access Board and any other relevant department or agency to determine appropriate accessibility standards.

(b) IN FLIGHT ENTERTAINMENT RULEMAKING.—Not later than 1 year after the date of the enactment of this section, the Secretary shall issue a notice of proposed rulemaking in accordance with the November 22, 2016 Resolution of the U.S. Department of Transportation ACCESS Committee’s and the consensus recommendation set forth in Term Sheet Reflecting Agreement of the Access Committee Regarding In-Flight Entertainment.

(c) NEGOTIATED RULEMAKING ON IN CABIN WHEELCHAIR RESTRAINT SYSTEMS AND ENPLANING AND DEPLANING STANDARDS.—(1) TIMING.—(A) IN GENERAL.—Not later than 1 year after completion of the report required by section 735(d)(3), and if that report finds economic and financial feasibility of air carriers and foreign air carriers implementing seating arrangements that accommodate passengers with wheelchairs (including power wheelchairs, manual wheelchairs, and scooters) in the main cabin during flight, the Secretary shall conduct a negotiated rulemaking on new type certificated aircraft standards for seating arrangements that accommodate passengers with wheelchairs (including power wheelchairs, manual wheelchairs, and scooters) in the main cabin during flight or an accessible route to a minimum of 2 aircraft passenger seats for passengers to access from their personal assistive devices.

(B) REQUIREMENT.—The negotiated rulemaking shall include participation of representatives of—(i) air carriers; (ii) aircraft manufacturers; (iii) national disability organizations; (iv) aviation safety experts; and (v) mobility aid manufacturers.

(2) NOTICE OF PROPOSED RULEMAKING.—Not later than 1 year after the completion of the negotiated rulemaking required by paragraph (1), the Secretary shall issue a notice of proposed rulemaking regarding the standards in paragraph (1).

(3) FINAL RULE.—Not later than 1 year after the date on which the notice of proposed rulemaking under paragraph (2) is completed, the Secretary shall issue a final rule regarding the standards in paragraph (1).

(4) CONSIDERATIONS.—In the negotiated rulemaking and rulemaking required under this subsection, the Secretary shall consider— (A) a reasonable period for the design, certification, and construction of aircraft that meet the requirements; (B) the safety of all persons on-board the aircraft, including necessary wheelchair standards and wheelchair compliance with FAA crashworthiness and safety performance criteria; and (C) the costs of design, installation, equipment, and aircraft capacity impacts, including partial fleet equipment and fare impacts.

(d) VISUAL AND TACTILELY ACCESSIBLE ANNOUNCEMENTS.—The Advisory Committee established under section 439(g) of the FAA Reauthorization Act of 2018 (49 U.S.C. 41705 note) (as amended by section 731) shall examine technical solutions and the feasibility of visually and tactilely accessible an-

nouncements on-board aircraft. (e) AIRPORT FACILITIES.—Not later than 2 years after the date of enactment of this Act, the Secretary shall, in direct consultation with the Access Board, prescribe regulations setting forth minimum standards under section 41705 of title 49, United States Code (commonly known as the “Air Carrier Access Act”), that ensure all gates (including counters), ticketing areas, and customer service desks covered under such section at airports are accessible to and usable by all individuals with disabilities, including through the provision of visually and tactilely accessible announcements and full and equal access to aural communications. (f) DEFINITIONS.—In this section: (1) ACCESS BOARD.—The term “Access board” means the Architectural and Transportation Barriers Compliance Board. (2) AIR CARRIER.—The term “air carrier” has the meaning given such term in section 40102 of title 49, United States Code. (3) INDIVIDUAL WITH A DISABILITY.—The term “individual with a disability” has the meaning given such term in section 382.3 of title 14, Code of Federal Regulations. (4) FOREIGN AIR CARRIER.—The term “foreign air carrier” has the meaning given such term in section 40102 of title 49, United States Code.; was AGREED TO by voice vote.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Ryan (Ryan 017) (ANS 70); Strike section 829 and insert the following: SEC. . CREW TRAINING. Section 44918(a) of title 49, United States Code, is amended—(1) in paragraph (1), by inserting “and unruly passenger behavior” before the period at the end; (2) in paragraph (2)—(A) by striking subparagraph (A) and inserting the following: “(A) Recognize suspicious behavior and activities and determine the seriousness of any occurrence.”; (B) in subparagraph (D), by inserting “, including training to defend against the use of edged or contact weapons” before the period at the end; (C) by striking subparagraph (H) and inserting the following: “(H) De-escalation training based on recommendations issued by the Air Carrier Training Aviation Rulemaking Committee.”; (D) by redesignating subparagraphs (I) and (J) as subparagraphs (J) and (K), respectively; and (E) by inserting after subparagraph (H) the following: “(I) Methods to subdue and restrain an active attacker.”; (3) by striking paragraph (4) and inserting the following: “(4) MINIMUM STANDARDS.—Not later than 180 days after the date of enactment of the FAA Reauthorization Act of 2023, the Administrator of the Transportation Security Administration, in consultation with the Federal Air Marshal Service and the Aviation Security Advisory Committee, shall establish minimum standards for— “(A) the training provided under this subsection and for recurrent training; and “(B) the individuals or entities providing such training.”; (4) in paragraph (6)—(A) in the first sentence—(i) by inserting “and the Federal Air Marshal Service” after “consultation with the Administrator”; (ii) by striking “and periodically shall” and inserting “and shall periodically”; and (iii) by inserting “based on changes in the potential or actual threat conditions” before the period at the end; and (B) in the second sentence, by inserting “, including self-defense training expertise and experience” before the period at the end; and (5) by adding at the end the following: “(8) AIR CARRIER ACCOMMODATION.—An air carrier with a crew member participating in the training program

under this subsection shall provide a process through which each such crew member may obtain reasonable accommodations.”; was NOT AGREED TO by voice vote.

En Bloc amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. LaMalfa 032 (LaMalfa 032) (ANS 71 En Bloc); At the end of title VIII, add the following: SEC. 11. WILDFIRE SUPPRESSION. (a) IN GENERAL.—To ensure that sufficient firefighting resources are available to suppress wildfires and protect public safety and property, and notwithstanding any other provision of law or agency regulation, not later than 18 months after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall promulgate an interim final rule under which—(1) an operation described in section 21.25(b)(7) of title 14, Code of Federal Regulations, shall allow for the transport of firefighters to and from the site of a wildfire to perform ground wildfire suppression and designate the firefighters conducting such an operation as essential crewmembers on board a covered aircraft operated on a mission to suppress wildfire; (2) the aircraft maintenance, inspections, and pilot training requirements under part 135 of such title 14 may apply to such an operation, if determined by the Administrator to be necessary to maintain the safety of firefighters carrying out wildfire suppression missions; and (3) the noise standards described in part 36 of such title 14 shall not apply to such an operation. (b) SURPLUS MILITARY AIRCRAFT.—In promulgating any rule under subsection (a), the Administrator shall not enable any aircraft of a type that has been manufactured in accordance with the requirements of and accepted for use by, any branch of the United States Military and has been later modified to be used for wildfire suppression operations. (c) CONFORMING AMENDMENTS TO FAA DOCUMENTS.—In promulgating an interim final rule under subsection (a), the Administrator shall amend FAA Order 8110.56, Restricted Category Type Certification (dated February 27, 2006), as well as any corresponding policy or guidance material, to reflect the requirements of subsection (a). (d) SAVINGS PROVISION.—Nothing in this section shall be construed to limit the Administrator’s authority to take action otherwise authorized by law to protect aviation safety or passenger safety. (e) DEFINITIONS.—In this section: (1) COVERED AIRCRAFT.—The term “covered aircraft” means an aircraft type-certificated in the restricted category under section 21.25 of title 14, Code of Federal Regulations, used for transporting firefighters to and from the site of a wildfire in order to perform ground wildfire suppression for the purpose of extinguishing a wildfire on behalf of, or pursuant to a contract with, a Federal, State, or local government agency. (2) FIREFIGHTERS.—The term “firefighters” means a trained fire suppression professional the transport of whom is necessary to accomplish a wildfire suppression operation. (LaMalfa 033) (ANS 71 En Bloc); At the end of title VIII, add the following: SEC. __. BANNING MUNICIPAL AIRPORT. (a) FINDINGS.—Congress finds the following: (1) In 2016, the City of Banning commissioned an Airport Feasibility Study to analyze the future of the Banning Municipal Airport. The study found that—(A) the Banning Airport had a 71 percent reduction in traffic from 2010 to 2015, drastically reducing revenues and cre-

ating a financial burden for the city; (B) the Banning Municipal Airport lacks the needed infrastructure, amenities or superior location to successfully compete with other airports for more business; and (C) the hangars available at Banning Municipal Airport are lacking as compared to other nearby airports. (2) The closure of Banning Municipal Airport's operations is supported by the community and the Banning City Council who voted in 2017 on a resolution "declaring that it shall be a goal of the city of Banning to close the Banning Municipal Airport as soon as legally permitted." (3) The closure of the airport would benefit the Morongo Band of Mission Indians by removing aviation easements on lands held in trust adjacent to the airport. (4) The repurposing of the land for industrial use such as distribution, logistics, e-commerce and light manufacturing will lead to job creation, sales tax and demand for housing. (b) IN GENERAL.—The United States, acting through the Administrator of the Federal Aviation Administration, shall release the City of Banning, California, from all restrictions, conditions, and limitations on the use, encumbrance, conveyance, and closure of the Banning Municipal Airport, as described in the most recent airport layout plan approved by the Federal Aviation Administration, to the extent such restrictions, conditions, and limitations are enforceable by the Administrator. (c) CONDITIONS.—The release under subsection (b) shall not be executed before the City of Banning, California, or its designee, transfers to the Department of Transportation of the State of California—(1) the amounts described in subsection (d), to be used for FAA-approved capital improvements within the meaning of airport development (as defined in section 47102(3) of title 49, United States Code) at other public use, general aviation airports serving the region; and (2) for no consideration, all airport and aviation-related equipment of the Banning Municipal Airport owned by the City of Banning and determined by the FAA or Department of Transportation of the State of California to be salvageable for use at other airports. (d) AMOUNTS DESCRIBED.—The amounts described in this subsection are the following: (1) An amount equal to the fair market value for the highest and best use of the Banning Municipal Airport property determined in good faith by 2 independent and qualified real estate appraisers and an independent review appraiser on or after the date of the enactment of this Act. (2) An amount equal to the unamortized portion of any Federal development grants other than land paid to the City of Banning for use at the Banning Municipal Airport, which may be paid with, and shall be an allowable use of, airport revenue notwithstanding section 47107 or 47133 of title 49, United States Code. (3) An amount equal to the airport revenues, along with accrued interest, remaining in the airport account for the Banning Municipal Airport as of the date of the enactment of this Act and otherwise due to or received by the City of Banning after such date of enactment pursuant to sections 47107(b) and 47133 of title 49, United States Code. (e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the applicability of—(1) the requirements and processes under section 46319 of title 49, United States Code; (2) the requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); (3) the requirements and processes under part 157 of title 14, Code of Federal Regulations; or (4) the public notice re-

quirements under section 47107(h)(2) of title 49, United States Code.; (LaMalfa 034) (ANS 71 En Bloc); Page 342, line 23, insert “The Administrator may not determine extraordinary circumstances exist under this subsection with respect to projects otherwise covered by a categorical exclusion under subsections (a) or (b) involving repair, replacement, or maintenance of grounds, infrastructure, buildings, structures, or facilities which do not substantially change the existing footprint of the grounds, infrastructure, buildings, structures, or facilities.” after “such action.”.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Yakym (Yakym 025) (ANS 72); Page 520, line 20, strike “proposed requirements” and insert “proposed risk-based requirements that align with the risk recommendations described in Recommendation AG 2.1 of the UAS Beyond Visual Line of Sight ARC Final Report published by the Federal Aviation Administration or other proposed requirements”. Page 529, line 2, insert “, as described in Recommendations AS 2.1 and 2.9 final report of the UAS Beyond Visual Line of Sight Aviation Rulemaking Committee, which require a manufacturer’s declaration of compliance to a Federal Aviation Administration accepted means of compliance and which shall not require type or production certification or the issuance of a special airworthiness certificate” after “aircraft”. Page 529, line 6, insert “as described in Recommendation OQ 2.2 of the UAS Beyond Visual Line of Sight Aviation Rulemaking Committee” after “aircraft.”.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Massie (Massie 028) (ANS 73); At the end of subtitle B of title IV, add the following: SEC. . ELIMINATION OF PASSENGER FACILITY CHARGE CAPS. Section 40117(b) of title 49, United States Code, is amended—(1) in paragraph (1) by striking “of \$1, \$2, or \$3” and inserting “in any amount”; (2) by striking paragraph (4); (3) by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively; (4) in paragraph (5) (as so redesignated)—(A) by striking “specified in paragraphs (1) and (4)” and inserting “specified in paragraph (1)”; and (B) by striking “imposed under paragraph (1) or (4)” and inserting “imposed under paragraph (1)”; and (5) in paragraph (6)(A) (as so redesignated)—(A) by striking “specified in paragraphs (1), (4), and (6)” and inserting “specified in paragraphs (1) and (5)”; and (B) by striking “imposed under paragraph (1) or (4)” and inserting “imposed under paragraph (1)”; and (6) by adding at the end the following: “(7) ELIGIBILITY FOR AIRPORT IMPROVEMENT PROGRAM FUNDS.—Any eligible agency that imposes a passenger facility charge that exceeds \$4.50 shall not be eligible to receive funds under subchapter I of chapter 471.”.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Westerman (Westerman 029) (ANS 74); Page 85, line 24, strike “the Civil Aviation Registry website” and insert “Federal Aviation Administration websites”. Page 85, line 25, strike “ICAO AIRCRAFT” and insert “MODE S”. Page 86, line 3, strike “ICAO” and insert “Mode S”. Page 86, line 7, strike “substantiate” and insert “attest to”. Page 86, Line 9, strike “ICAO” and in-

sert "Mode S". Page 86, line 16, strike "ICAO" and insert "Mode S". Page 87, after line 5, insert the following: "(A) the names of the aircraft owner or operator; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Mast (Mast 056) (ANS 75); At the end of title VIII, add the following: SEC. ____ . COMPETITIVE ACCESS. (a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall take such actions to ensure that an airport submits to the Administrator a report in any case in which such airport is unable to accommodate a request by any entity providing ground transportation services to such airport that is seeking access to such airport in order to provide or expand such services. (b) CONTENTS.—The report required under subsection (a) shall include— (1) a summary of the request; (2) an explanation why the request was denied by the airport; and (3) a timeframe for when airport will be able to accommodate the request, if applicable.; was NOT AGREED TO by voice vote.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Mast (Mast 059) (ANS 76); At the end of title VIII, add the following: SEC. 11. ECONOMIC NON DISCRIMINATION. (a) IN GENERAL.—Each entity that provides commercial ground transportation to users of an airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other such users providing such services (including entities controlled by the airport) making the same or similar physical use of such airport and using similar facilities. (b) ESSENTIAL NEXUS TO LEGITIMATE PUBLIC PURPOSE.—All rates, fees, rentals and other charges described in subsection (a) shall— (1) have an essential nexus to a legitimate public purpose; (2) be roughly proportionate to the impact the physical use has on airport facilities; and (3) be no greater than necessary to cover the costs of such impact of the physical use. (c) BURDEN OF PROOF.—An airport shall have the burden of proving the instituting rates, fees, rentals and other charges described under subsection (a). (d) NONDISCRIMINATORY AND SUBSTANTIALLY COMPARABLE RULES, REGULATIONS, AND CONDITIONS.—Each entity described in subsection (a) shall be subject to such non-discriminatory and substantially comparable rules, regulations, and conditions and provided equivalent access rights to the airport as are applicable or provided to all such other entities which make the same or similar physical use of such airport and use similar facilities. (e) REASONABLE CLASSIFICATIONS.—An airport shall be permitted to make reasonable classifications between entities described in subsection (a), except any classifications not rationally related to the safe operation of the airport, such as those classifications based on presumed benefits derived, degree of economic harm to the airport, or anti-competitive motives. (f) REASONABLE JUSTIFICATION.—Neither the rules, regulations and conditions applicable, or the access rights provided to, an entity described in subsection (a) shall prevent, restrict or distort such entity's ability to compete with any other such entities, including those entities controlled by the airport, without a reasonable justification that benefits the public interest. (g) CLASSIFICATION.—Classification or status as a specific type of entity described in subsection (a) shall

not be unreasonably withheld by any airport provided a commercial ground transportation user assumes obligations substantially similar to those already imposed on other such entities in such classification or status.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. Payne (Payne 042) (ANS 77); Page 712, after line 17, insert the following: (e) CONSULTATION.—The Administrator may only issue a waiver under this section for the operation of an aircraft in an area covered by a temporary flight restriction after consulting with Federal and local law enforcement officials to verify that such waiver would not risk the safety and security of the public located in the area where the temporary flight restriction is in place.; was WITHDRAWN.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. D'Esposito (D'Esposito 018) (ANS 78); At the end of title VIII, add the following: SEC. ____ . HOUSING OF UNDOCUMENTED MIGRANTS. The Administrator of the Federal Aviation Administration may not authorize airport space to house undocumented migrants.; was NOT AGREED TO by voice vote.

Amendment to the Amendment in the Nature of a Substitute to H.R. 3935 offered by Mr. García of Illinois (García of IL 031) (ANS); To require employers of airport service workers at small, medium, and large hub airports to ensure that airport service workers are paid the prevailing wage and provided fringe benefits, and for other purposes. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. SHORT TITLE. This Act may be cited as the "Good Jobs for Good Airports Act". SEC. 2. FINDINGS; PURPOSES. (a) FINDINGS.—Congress finds the following: (1) Safe and effective airport operations are essential to national commerce and the general welfare. (2) A well-trained, stable workforce at our Nation's airports is critical to ensuring public safety and security, as well as the health and safety of the public and protection from infectious diseases. (3) The Federal Government has invested billions of dollars in creating and maintaining our Nation's aviation infrastructure, reflecting the national interest in maintaining airports across the country. (4) Airport services are most effective when the workforce providing those services is able to earn a living wage and able to secure adequate health benefit coverage. In fact, meeting the growing challenges of operating airports securely and efficiently requires the recruitment and retention of excellent staff in all of the classifications of employees who work in airport services and operations. (5) Effective management of airports and effective airport security requires that workforce turnover be reduced and that the workforce be highly trained and highly motivated. (6) In connection with setting wage and benefit standards for those engaged in airport services, there is a need to establish an orderly system that reconciles competing interests without undue disruption. (b) PURPOSES.—The purposes of this Act are—(1) to provide a mechanism for ensuring minimum wage and benefits standards for individuals who work in airports; and (2) to serve the best interests of the people of the United States by stabilizing the workplace conditions of the labor pool that supports our Nation's airport

operations. SEC. 3. AMENDMENTS TO TITLE 49 OF THE UNITED STATES CODE TO ENSURE MINIMUM WAGE AND BENEFITS FOR COVERED SERVICE WORKERS. (a) COVERED SERVICE WORKER DEFINITION.—Section 40102(a) of title 49, United States Code, is amended by adding at the end the following: “(48) ‘covered service worker’—“(A) means an individual who furnishes services on the property or premises of a small hub airport, medium hub airport, or large hub airport, performing— “(i) functions that are related to the air transportation of persons, property, or mail, including—“(I) the loading or unloading of property on aircraft or a building or facility on the airport property; “(II) assistance to passengers, including assistance under part 382 of title 14, Code of Federal Regulations; “(III) security; “(IV) airport ticketing or check-in functions; “(V) ground-handling of aircraft or related equipment (but not including mechanical services, machinery maintenance, car service maintenance, services at maintenance-related stores, fueling, de-icing, or other mechanic related functions); “(VI) aircraft cleaning and sanitization functions or waste removal; “(VII) cleaning within an airport terminal or other building or facility on the airport property; “(VIII) transportation of employees or individuals within the airport property; or “(IX) ramp agent functions; “(ii) concessions services on the property of an airport, including—“(I) food service, including food and beverage service, wait service, busing, cooks, or cashiers; “(II) retail service, including retail related to news or gifts or duty free retail services; “(III) cleaning for concession services; “(IV) security for concession services; or “(V) airport lounge services, including food, retail, cleaning, or security services for or at an airport lounge; “(iii) airline catering services (such as the preparation or assembly of food, beverages, provisions, or related supplies for delivery, and the delivery of such items, directly to aircraft or to a location on or near airport property for subsequent delivery to aircraft at the airport); or “(iv) food or beverage service, housekeeping, or hotel service at a hotel located on airport property; “(B) includes an individual without regard to any contractual relationship alleged to exist between the individual and a contractor or subcontractor; “(C) shall not include an individual to whom the exemption under section 13(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)(1)) applies; and “(D) shall not include an employee of— “(i) a State, municipality, or other political subdivision of a State or an authority created by an agreement between 2 or more States; or “(ii) the Transportation Security Administration or a qualified private screening company performing security screening of passengers pursuant to a contract entered into with the Transportation Security Administration. “(49) ‘covered employer’ means any person engaged in commerce, or in any industry or activity affecting commerce, who employs 1 or more covered service workers.”. (b) AIR COMMERCE AND SAFETY.—(1) IN GENERAL.—Chapter 401 of title 49, United States Code, is amended by adding at the end the following new section: “§ 40131. Labor standards for certain airport service jobs. “(a) REQUIREMENT.—Any covered employer providing services at or for a small, medium, or large hub airport shall ensure that all covered service workers, including those subject to a collective bargaining agreement, employed by the covered employer at such airport are paid a wage and fringe benefits that are— “(1) with respect to such

wage, not less than the higher of—“(A) \$15.00 per hour; “(B) the minimum hourly wage for the appropriate locality and classification as determined in accordance with chapter 67 of title 41, United States Code (commonly known as the ‘Service Contract Act’), by the Secretary of Labor under subsection (c)(1)(A), adjusted annually to reflect any changes made by such Secretary in such determinations; “(C) the minimum hourly wage required under any Federal regulation, policy, or directive issued by the President pursuant to subtitle I of title 40, United States Code, for workers employed in the performance of any Federal contract for the procurement of services; or “(D) the minimum hourly wage required under an applicable State or local minimum wage law (including a regulation) or policy, including the policy of a political subdivision of a State or an authority created by a compact between 2 or more States or 1 or more States and the District of Columbia, that applies to covered service workers; and “(2) with respect to such fringe benefits, not less than the greater of—“(A) the minimum fringe benefits for the appropriate locality and classification as determined in accordance with chapter 67 of title 41, United States Code (commonly known as the ‘Service Contract Act’), by the Secretary of Labor under subsection (c)(1)(A), adjusted annually to reflect any changes made by such Secretary in such determinations; or “(B) the minimum fringe benefits required under an applicable State or local law (including a regulation) or policy, including the policy of a political subdivision of a State or an authority created by a compact between 2 or more States or 1 or more States and the District of Columbia, that applies to covered service workers.

“(b) **CERTIFICATION REQUIREMENT FOR COVERED EMPLOYERS.**—“(1) **IN GENERAL.**—A covered employer shall certify, under penalty of perjury, in a manner determined by the Secretary of Transportation, on a monthly basis that all covered service workers, including those subject to a collective bargaining agreement, employed by the covered employer are provided wage and fringe benefits that comply with the requirements described in paragraphs (1) and (2) of subsection (a). “(2) **FAILURE TO SUBMIT CERTIFICATION.**—The failure to submit a certification under paragraph (1) shall constitute a violation of this section. “(3) **FALSE CERTIFICATION.**—The submission of a false certification under paragraph (1) shall constitute a violation of this section. “(c) **CLASSIFICATIONS AND WAGE DETERMINATIONS.**—“(1) **IN GENERAL.**—The Secretary of Labor shall—“(A) not later than 120 days after the date of enactment of this section and in accordance with paragraph (2), issue a wage determination with minimum hourly wage and fringe benefits in accordance with the methodology used by the Secretary of Labor under chapter 67 of title 41, United States Code (commonly known as the ‘Service Contract Act’), appropriate for each class of covered service worker for purposes of paragraphs (1)(B) and (2)(A) of subsection (a); and “(B) not later than 120 days after the date of enactment of this section and annually thereafter, provide to the Secretary of Transportation the applicable minimum hourly wage and fringe benefits required for purposes of subsection (a) with respect to each such class of covered service worker. “(2) **NEW OCCUPATIONAL CATEGORIES.**—In issuing the wage determinations under paragraph (1)(A), the Secretary of Labor—“(A) shall ensure that each class of covered service

worker is classified appropriately in a category of occupation of a type covered under chapter 67 of title 41, United States Code; and “(B) to the extent needed to carry out subparagraph (A), may establish 1 or more new categories of occupation of a type covered under chapter 67 of title 41, United States Code, to ensure that all classes of covered service workers have an appropriate determination of minimum hourly wage and fringe benefits. “(d) RULEMAKING AUTHORITY.—The Secretary of Labor and the Secretary of Transportation may prescribe regulations to implement this section, provided that such regulations prescribed by the Secretary of Transportation shall be consistent with such regulations prescribed by the Secretary of Labor. “(e) ENFORCEMENT.—“(1) WAGE AND BENEFIT ENFORCEMENT.—The Secretary of Labor shall have the authority to enforce the wage and fringe benefit requirements for covered service workers described in paragraphs (1) and (2) of subsection (a), including the authority to issue orders, conduct investigations, examine the records of covered employers, hold hearings, make decisions based on findings of fact, and take other appropriate action pursuant to the authority of the Secretary of Labor under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.). “(2) CERTIFICATION ENFORCEMENT.—“(A) IN GENERAL.—The Secretary of Transportation shall have the authority to enforce the certification requirement described in subsection (b), including the authority to issue orders, conduct investigations, examine the records of covered employers, hold hearings, make decisions based on findings of fact, and take other appropriate action pursuant to the 15 Secretary of Transportation’s authority. “(B) CONSIDERATIONS.—In determining whether a covered employer submitted a false certification under subsection (b), the Secretary of Transportation shall consider as evidence any findings of fact made by the Secretary of Labor regarding a covered employer’s failure to comply with the wage and fringe benefit requirements described in paragraphs (1) and (2) of subsection (a). “(f) NON PREEMPTION OF STATE OR LOCAL LAWS.—Nothing in this section shall preempt any State or local law (including a regulation) or policy that requires a higher minimum wage or otherwise requires greater benefits or protections for covered service workers than the requirements of this section. “(g) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of the Good Jobs for Good Airports Act, and annually thereafter, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on their efforts to implement such Act, as well as an assessment of the efforts of covered employers to come into compliance with the requirements of such Act. “(h) PUBLICATION OF DATA.—The Secretary of Transportation shall publish complaint data relating to covered service workers in a manner comparable to other aviation consumer complaint data.”. (2) CLERICAL AMENDMENT.—The analysis for chapter 401 of title 49, United States Code, is amended by inserting after the item relating to section 40130 the following: “40131. Labor standards for certain airport service jobs.”. (c) PENALTIES.—Section 46301 of title 49, United States Code, is amended— (1) in subsection (a), by adding at the end the following new paragraph: “(8) PENALTIES RELATING TO LABOR STANDARDS

FOR CERTAIN AIRPORT SERVICE JOBS. Notwithstanding paragraph (1), the maximum civil penalty for a violation of section 40131 shall be an amount not to exceed 3 times the amount of a civil penalty as described in paragraph (1).”; and (2) in subsection (c)(1)(A), by striking “or section 44909 of this title” and inserting “section 44909, or section 40131 of this title.”. (d) INVESTIGATIONS AND PROCEEDINGS.—(1) IN GENERAL.—Chapter 461 of title 49, United States Code, is amended by adding at the end the following new section: “§ 46112. Enforcement of labor standards for certain airport service jobs by interested persons “An interested person may bring a civil action in a district court of the United States against a person to enforce section 40131. The action may be brought in the judicial district in which the defendant does business or the violation occurred.”. (2) CLERICAL AMENDMENT.—The analysis for chapter 461 of title 49, United States Code, is amended by inserting after the item relating to section 46111 the following: “46112. Enforcement of labor standards for certain airport service jobs by interested persons.”. SEC. 4. MINIMUM WAGE AND FRINGE BENEFITS FOR COVERED SERVICE WORKERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938. Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) is amended by adding at the end the following: “(h) COVERED SERVICE WORKERS PERFORMING SERVICES FOR SMALL, MEDIUM, AND LARGE HUB AIRPORTS.—“(1) IN GENERAL.—In lieu of the rate prescribed by subsection (a)(1), an employer shall pay each employee employed as a covered service worker (as defined in section 40102(a) of title 49, United States Code), providing services at or for a small hub airport, medium hub airport, or large hub airport (as those terms are defined in such section), who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, a minimum wage and fringe benefits as provided under section 40131(a) of title 49, United States Code. “(2) ADMINISTRATION AND ENFORCEMENT OF FRINGE BENEFITS.—For purposes of administration and enforcement of any unpaid fringe benefits required under paragraph (1), the fair market value amount of any such fringe benefits shall be deemed unpaid minimum wages under this Act.”.; was WITHDRAWN.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

Committee on Transportation and Infrastructure Roll Call Vote No. 018

On: agreeing to Amendment Nehls 37 Revised—#ANS 14 offered by Mr. Nehls
 Agreed to: 32 yeas and 31 nays

| Member | Vote | Member | Vote |
|------------------------|------|------------------------|------|
| Mr. Graves of MO | Yea | Mr. Larsen of WA | Nay |

| Member | Vote | Member | Vote |
|---------------------|------|-------------------|------|
| Mr. Crawford | Yea | Ms. Norton | Nay |
| Mr. Webster of FL | Yea | Mrs. Napolitano | Nay |
| Mr. Massie | Yea | Mr. Cohen | Nay |
| Mr. Perry | Yea | Mr. Garamendi | Nay |
| Mr. Babin | Yea | Mr. Johnson of GA | Nay |
| Mr. Graves of LA | Yea | Mr. Carson | Nay |
| Mr. Rouzer | Yea | Ms. Titus | Nay |
| Mr. Bost | Yea | Mr. Huffman | Nay |
| Mr. LaMalfa | Yea | Ms. Brownley | Nay |
| Mr. Westerman | Yea | Ms. Wilson of FL | Nay |
| Mr. Mast | Yea | Mr. Payne | Nay |
| Mrs. González-Colón | Yea | Mr. DeSaulnier | Nay |
| Mr. Stauber | Yea | Mr. Carbajal | Nay |
| Mr. Burchett | Yea | Mr. Stanton | Nay |
| Mr. Johnson of SD | Yea | Mr. Allred | Nay |
| Mr. Van Drew | Yea | Ms. Davids of KS | Nay |
| Mr. Nehls | Yea | Mr. Garcia of IL | Nay |
| Mr. Gooden of TX | Yea | Mr. Pappas | Nay |
| Mr. Mann | Yea | Mr. Moulton | Nay |
| Mr. Owens | Yea | Mr. Auchincloss | Nay |
| Mr. Yakym | Yea | Ms. Strickland | Nay |
| Mrs. Chavez-DeRemer | Yea | Mr. Carter of LA | Nay |
| Mr. Edwards | Yea | Mr. Ryan | Nay |
| Mr. Kean of NJ | Yea | Mrs. Peltola | Nay |
| Mr. D'Esposito | Yea | Mr. Menendez | Nay |
| Mr. Burlison | Yea | Ms. Hoyle of OR | Nay |
| Mr. James | Yea | Mrs. Sykes | Nay |
| Mr. Van Orden | Yea | Ms. Scholten | Nay |
| Mr. Williams of NY | Yea | Mrs. Foushee | Nay |
| Mr. Molinaro | Nay | | |
| Mr. Collins | Yea | | |
| Mr. Ezell | Yea | | |
| Mr. Duarte | Yea | | |
| Mr. Bean of FL | Yea | | |

Committee on Transportation and Infrastructure Roll Call Vote No. 019

On: agreeing to Amendment Collins 009—#ANS 26 offered by Mr. Collins
 Agreed to: 36 yeas and 28 nays

| Member | Vote | Member | Vote |
|---------------------|------|-------------------|------|
| Mr. Graves of MO | Nay | Mr. Larsen of WA | Nay |
| Mr. Crawford | Yea | Ms. Norton | Nay |
| Mr. Webster of FL | Yea | Mrs. Napolitano | Nay |
| Mr. Massie | Yea | Mr. Cohen | Nay |
| Mr. Perry | Yea | Mr. Garamendi | Nay |
| Mr. Babin | Yea | Mr. Johnson of GA | Nay |
| Mr. Graves of LA | Nay | Mr. Carson | Nay |
| Mr. Rouzer | Yea | Ms. Titus | Nay |
| Mr. Bost | Yea | Mr. Huffman | Nay |
| Mr. LaMalfa | Yea | Ms. Brownley | Nay |
| Mr. Westerman | Yea | Ms. Wilson of FL | Nay |
| Mr. Mast | Yea | Mr. Payne | Nay |
| Mrs. González-Colón | Yea | Mr. DeSaulnier | Nay |
| Mr. Stauber | Yea | Mr. Carbajal | Nay |
| Mr. Burchett | Yea | Mr. Stanton | Nay |
| Mr. Johnson of SD | Yea | Mr. Allred | Yea |
| Mr. Van Drew | Yea | Ms. Davids of KS | Nay |
| Mr. Nehls | Yea | Mr. Garcia of IL | Nay |
| Mr. Gooden of TX | Yea | Mr. Pappas | Nay |
| Mr. Mann | Yea | Mr. Moulton | Yea |
| Mr. Owens | Yea | Mr. Auchincloss | Yea |
| Mr. Yakym | Yea | Ms. Strickland | Nay |

| Member | Vote | Member | Vote |
|---------------------------|-------|------------------------|------|
| Mrs. Chavez-DeRemer | Yea | Mr. Carter of LA | Nay |
| Mr. Edwards | Yea | Mr. Ryan | Nay |
| Mr. Kean of NJ | Yea | Mrs. Peltola | Nay |
| Mr. D'Esposito | | Mr. Menendez | Nay |
| Mr. Burlison | Yea | Ms. Hoyle of OR | Nay |
| Mr. James | Yea | Mrs. Sykes | Yea |
| Mr. Van Orden | Yea | Ms. Scholten | Nay |
| Mr. Williams of NY | Yea | Mrs. Foushee | Nay |
| Mr. Molinaro | Yea | | |
| Mr. Collins | Yea | | |
| Mr. Ezell | Yea | | |
| Mr. Duarte | Yea | | |
| Mr. Bean of FL | Yea | | |

Committee on Transportation and Infrastructure Roll Call Vote No. 020

On: agreeing to Amendment Perry 202—#ANS 32 offered by Mr. Perry
 Not Agreed to: 22 yeas and 42 nays

| Member | Vote | Member | Vote |
|---------------------------|-------|-------------------------|------|
| Mr. Graves of MO | Nay | Mr. Larsen of WA | Nay |
| Mr. Crawford | Yea | Ms. Norton | Nay |
| Mr. Webster of FL | Yea | Mrs. Napolitano | Nay |
| Mr. Massie | Yea | Mr. Cohen | Nay |
| Mr. Perry | Yea | Mr. Garamendi | Nay |
| Mr. Babin | Yea | Mr. Johnson of GA | Nay |
| Mr. Graves of LA | Nay | Mr. Carson | Nay |
| Mr. Rouzer | Yea | Ms. Titus | Nay |
| Mr. Bost | Nay | Mr. Huffman | Nay |
| Mr. LaMalfa | Yea | Ms. Brownley | Nay |
| Mr. Westerman | Yea | Ms. Wilson of FL | Nay |
| Mr. Mast | Yea | Mr. Payne | Nay |
| Mrs. González-Colón | Nay | Mr. DeSaulnier | Nay |
| Mr. Stauber | Nay | Mr. Carbajal | Nay |
| Mr. Burchett | Yea | Mr. Stanton | Nay |
| Mr. Johnson of SD | Yea | Mr. Allred | Nay |
| Mr. Van Drew | Nay | Ms. Davids of KS | Nay |
| Mr. Nehls | Yea | Mr. Garcia of IL | Nay |
| Mr. Gooden of TX | Yea | Mr. Pappas | Nay |
| Mr. Mann | Yea | Mr. Moulton | Nay |
| Mr. Owens | Yea | Mr. Auchincloss | Nay |
| Mr. Yakym | Yea | Ms. Strickland | Nay |
| Mrs. Chavez-DeRemer | Nay | Mr. Carter of LA | Nay |
| Mr. Edwards | Yea | Mr. Ryan | Nay |
| Mr. Kean of NJ | Nay | Mrs. Peltola | Nay |
| Mr. D'Esposito | | Mr. Menendez | Nay |
| Mr. Burlison | Yea | Ms. Hoyle of OR | Nay |
| Mr. James | Nay | Mrs. Sykes | Nay |
| Mr. Van Orden | Nay | Ms. Scholten | Nay |
| Mr. Williams of NY | Nay | Mrs. Foushee | Nay |
| Mr. Molinaro | Nay | | |
| Mr. Collins | Yea | | |
| Mr. Ezell | Yea | | |
| Mr. Duarte | Yea | | |
| Mr. Bean of FL | Yea | | |

Committee on Transportation and Infrastructure Roll Call Vote No. 021

On: agreeing to Amendment Perry 218—#ANS 59 offered by Mr. Perry
 Agreed to: 33 yeas and 32 nays

| Member | Vote | Member | Vote |
|---------------------|------|-------------------|------|
| Mr. Graves of MO | Nay | Mr. Larsen of WA | Nay |
| Mr. Crawford | Yea | Ms. Norton | Nay |
| Mr. Webster of FL | Yea | Mrs. Napolitano | Nay |
| Mr. Massie | Yea | Mr. Cohen | Nay |
| Mr. Perry | Yea | Mr. Garamendi | Nay |
| Mr. Babin | Yea | Mr. Johnson of GA | Nay |
| Mr. Graves of LA | Nay | Mr. Carson | Nay |
| Mr. Rouzer | Yea | Ms. Titus | Nay |
| Mr. Bost | Yea | Mr. Huffman | Nay |
| Mr. LaMalfa | Yea | Ms. Brownley | Nay |
| Mr. Westerman | Yea | Ms. Wilson of FL | Nay |
| Mr. Mast | Yea | Mr. Payne | Nay |
| Mrs. González-Colón | Yea | Mr. DeSaulnier | Nay |
| Mr. Stauber | Yea | Mr. Carbajal | Nay |
| Mr. Burchett | Yea | Mr. Stanton | Nay |
| Mr. Johnson of SD | Yea | Mr. Allred | Nay |
| Mr. Van Drew | Yea | Ms. Davids of KS | Nay |
| Mr. Nehls | Yea | Mr. Garcia of IL | Nay |
| Mr. Gooden of TX | Yea | Mr. Pappas | Nay |
| Mr. Mann | Yea | Mr. Moulton | Nay |
| Mr. Owens | Yea | Mr. Auchincloss | Nay |
| Mr. Yakym | Yea | Ms. Strickland | Nay |
| Mrs. Chavez-DeRemer | Yea | Mr. Carter of LA | Nay |
| Mr. Edwards | Yea | Mr. Ryan | Nay |
| Mr. Kean of NJ | Yea | Mrs. Peltola | Nay |
| Mr. D'Esposito | Yea | Mr. Menendez | Nay |
| Mr. Burlison | Yea | Ms. Hoyle of OR | Nay |
| Mr. James | Yea | Mrs. Sykes | Nay |
| Mr. Van Orden | Yea | Ms. Scholten | Nay |
| Mr. Williams of NY | Yea | Mrs. Foushee | Nay |
| Mr. Molinaro | Yea | | |
| Mr. Collins | Yea | | |
| Mr. Ezell | Yea | | |
| Mr. Duarte | Yea | | |
| Mr. Bean of FL | Yea | | |

Committee on Transportation and Infrastructure Roll Call Vote No. 022

On: agreeing to Amendment DeSaulnier 016—#ANS 66 offered by Mr. DeSaulnier
 Not Agreed to: 28 yeas and 37 nays

| Member | Vote | Member | Vote |
|---------------------|------|-------------------|------|
| Mr. Graves of MO | Nay | Mr. Larsen of WA | Nay |
| Mr. Crawford | Nay | Ms. Norton | Yea |
| Mr. Webster of FL | Nay | Mrs. Napolitano | Yea |
| Mr. Massie | Nay | Mr. Cohen | Nay |
| Mr. Perry | Nay | Mr. Garamendi | Yea |
| Mr. Babin | Nay | Mr. Johnson of GA | Yea |
| Mr. Graves of LA | Nay | Mr. Carson | Yea |
| Mr. Rouzer | Nay | Ms. Titus | Yea |
| Mr. Bost | Nay | Mr. Huffman | Yea |
| Mr. LaMalfa | Nay | Ms. Brownley | Yea |
| Mr. Westerman | Nay | Ms. Wilson of FL | Yea |
| Mr. Mast | Nay | Mr. Payne | Yea |
| Mrs. González-Colón | Nay | Mr. DeSaulnier | Yea |
| Mr. Stauber | Nay | Mr. Carbajal | Yea |
| Mr. Burchett | Nay | Mr. Stanton | Yea |
| Mr. Johnson of SD | Nay | Mr. Allred | Yea |
| Mr. Van Drew | Nay | Ms. Davids of KS | Nay |
| Mr. Nehls | Nay | Mr. Garcia of IL | Yea |
| Mr. Gooden of TX | Nay | Mr. Pappas | Yea |
| Mr. Mann | Nay | Mr. Moulton | Yea |
| Mr. Owens | Nay | Mr. Auchincloss | Yea |

| Member | Vote | Member | Vote |
|---------------------------|------|------------------------|------|
| Mr. Yakym | Nay | Ms. Strickland | Yea |
| Mrs. Chavez-DeRemer | Nay | Mr. Carter of LA | Yea |
| Mr. Edwards | Nay | Mr. Ryan | Yea |
| Mr. Kean of NJ | Nay | Mrs. Peltola | Yea |
| Mr. D'Esposito | Nay | Mr. Menendez | Yea |
| Mr. Burlison | Nay | Ms. Hoyle of OR | Yea |
| Mr. James | Nay | Mrs. Sykes | Yea |
| Mr. Van Orden | Yea | Ms. Scholten | Yea |
| Mr. Williams of NY | Nay | Mrs. Foushee | Yea |
| Mr. Molinaro | Nay | | |
| Mr. Collins | Nay | | |
| Mr. Ezell | Nay | | |
| Mr. Duarte | Nay | | |
| Mr. Bean of FL | Nay | | |

Committee on Transportation and Infrastructure Roll Call Vote No. 023

On: agreeing to Final Passage, H.R. 3935, as amended
Agreed to: 63 yeas and 0 nays

| Member | Vote | Member | Vote |
|----------------------------------|-------|-------------------------|------|
| Mr. Graves of MO | Yea | Mr. Larsen of WA | Yea |
| Mr. Crawford | Yea | <i>Ms. Norton</i> | Yea |
| Mr. Webster of FL | Yea | Mrs. Napolitano | Yea |
| Mr. Massie | | Mr. Cohen | Yea |
| Mr. Perry | | Mr. Garamendi | Yea |
| Mr. Babin | Yea | Mr. Johnson of GA | Yea |
| Mr. Graves of LA | Yea | Mr. Carson | Yea |
| Mr. Rouzer | Yea | Ms. Titus | Yea |
| Mr. Bost | Yea | Mr. Huffman | Yea |
| Mr. LaMalfa | Yea | Ms. Brownley | Yea |
| Mr. Westerman | Yea | Ms. Wilson of FL | Yea |
| Mr. Mast | Yea | Mr. Payne | Yea |
| <i>Mrs. González-Colón</i> | Yea | Mr. DeSaulnier | Yea |
| Mr. Stauber | Yea | Mr. Carbajal | Yea |
| Mr. Burchett | Yea | Mr. Stanton | Yea |
| Mr. Johnson of SD | Yea | Mr. Allred | Yea |
| Mr. Van Drew | Yea | Ms. Davids of KS | Yea |
| Mr. Nehls | Yea | Mr. Garcia of IL | Yea |
| Mr. Gooden of TX | Yea | Mr. Pappas | Yea |
| Mr. Mann | Yea | Mr. Moulton | Yea |
| Mr. Owens | Yea | Mr. Auchincloss | Yea |
| Mr. Yakym | Yea | Ms. Strickland | Yea |
| Mrs. Chavez-DeRemer | Yea | Mr. Carter of LA | Yea |
| Mr. Edwards | Yea | Mr. Ryan | Yea |
| Mr. Kean of NJ | Yea | Mrs. Peltola | Yea |
| Mr. D'Esposito | Yea | Mr. Menendez | Yea |
| Mr. Burlison | Yea | Ms. Hoyle of OR | Yea |
| Mr. James | Yea | Mrs. Sykes | Yea |
| Mr. Van Orden | Yea | Ms. Scholten | Yea |
| Mr. Williams of NY | Yea | Mrs. Foushee | Yea |
| Mr. Molinaro | Yea | | |
| Mr. Collins | Yea | | |
| Mr. Ezell | Yea | | |
| Mr. Duarte | Yea | | |
| Mr. Bean of FL | Yea | | |

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the *Congressional Budget Act of 1974* and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the *Congressional Budget Act of 1974*, the Committee has requested but has not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee has also requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the *Congressional Budget Act of 1974* and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the *Congressional Budget Act of 1974* when available the Committee will adopt as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(d)(1) of House rule XIII, when available the Committee will adopt as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation, as amended, are to reauthorize federal aviation programs administered by the FAA and DOT. The bill, as amended, also reforms the organizational structure of the FAA and continues the process of integrating UAS into the National Airspace System.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 3935, as amended, establishes or reauthorizes a program of the Federal government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional

earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

When available the Committee will adopt as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the *Unfunded Mandates Reform Act* (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the *Congressional Budget Act of 1974* requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that H.R. 3935, as amended, does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

Sections 307, 625, and 708 of this bill, as amended, each establish an advisory committee, as defined in section 1001 of title 5, United States Code. Pursuant to section 1004 of title 5, United States Code, the Committee determines that the functions of these advisory committees are not being carried out by existing agencies or advisory committees and could not adequately be performed by enlarging the mandate of an existing advisory committee. The Committee notes that sections 624 and 708 terminate existing advisory committees. The Committee also determines that the new advisory committees have a clearly defined purpose, fairly balanced membership, and meet all of the other requirements of section 1004(b) of title 5, United States Code.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the *Congressional Accountability Act* (Public Law 104–1).

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

TITLE I: AUTHORIZATIONS AND FAA ORGANIZATIONAL REFORM

SUBTITLE A—AUTHORIZATIONS

Sec. 101. Airport Planning and Development and Noise Compatibility Planning and Programs.

This section authorizes \$4 billion from the Airport and Airway Trust Fund (AATF) for the Federal Aviation Administration’s (FAA’s) Airport Improvement Program (AIP) account for each of fiscal years (FYs) 2024 through 2028.

Sec. 102. Facilities and Equipment.

This section authorizes from the AATF the following amounts for FAA’s Facilities & Equipment (F&E) account: \$3.375 billion for FY

2024; \$3.425 billion for FY 2025; \$3.475 billion for FY 2026; \$3.475 billion for FY 2027; and \$3.475 billion for FY 2028.

Sec. 103. Operations.

This section authorizes the following amounts for FAA's Operations account: \$12.73 billion for FY 2024; \$13.035 billion for FY 2025; \$13.334 billion for FY 2026; \$13.640 billion for FY 2027; and \$13.954 billion for FY 2028.

Sec. 104. Extension of Miscellaneous Expiring Authorities.

This section extends various expiring authorities, including: AIP discretionary grant eligibility for the Marshall Islands, Micronesia, and Palau; continuation of the Safety Oversight and Certification Advisory Committee; and allowing AIP funds to be spent on certain airport property redevelopment projects.

SUBTITLE B—FAA ORGANIZATIONAL REFORM

Sec. 121. FAA Leadership.

This section establishes the leadership of the FAA, consisting of the Administrator, a Deputy Administrator for Programs and Management (previously referred to as the "Deputy Administrator"), and a new career Deputy Administrator for Safety and Operations. The new career Deputy Administrator will provide consistency and stability to the agency between Administrations, help reduce the likelihood of needing an executive from a Line of Business or Staff Office to perform the duties of an acting Administrator and help to manage the increasingly diverse and complex responsibilities of the FAA.

This section further explains that the Deputy Administrator for Programs and Management manages the Chief Counsel and the Assistant Administrators (except the Assistant Administrator for Rulemaking and Regulatory Improvement), and that the Deputy Administrator for Safety and Operations manages the Chief Operating Officer (COO) of the air traffic control (ATC) system, the Associate Administrators, and the Assistant Administrator for Rulemaking and Regulatory Improvement.

This section also sets the rate of pay, succession plan, and general qualifications for those positions.

The Committee expects the FAA Administrator may choose to rename the deputy positions described in this section.

Sec. 122. FAA Management Board.

This section establishes the Management Board of the FAA consisting of Associate and Assistant Administrators, the Chief Counsel, and the COO.

This section reinforces the responsibilities of the Chief Counsel—to provide advice, take enforcement action, and represent the FAA in legal proceedings, but not to manage the activities of other offices or the Administrator. The Committee is concerned that the Office of the Chief Counsel routinely oversteps its intended role, unnecessarily reviews established historical precedent when there is not legal risk, and does not provide timely legal interpretations for internal offices or external entities in order to maintain a reasonable pace of work. It should not be expected that the work of

the agency should indefinitely stop in order for an affirmative decision to be issued by the Chief Counsel, unless the office responsible for such program determines that it is necessary.

This section also establishes a new Assistant Administrator for Rulemaking and Regulatory Improvement who is responsible for the FAA's rulemaking agenda, updating outdated rules of the agency, evaluating existing regulations for effectiveness, redundancy, and accuracy, coordinating with offices of the agency and other Federal entities to maintain rulemaking timelines, and receiving and processing petitions for exemption.

The Committee expects the FAA Administrator may choose to rename the positions described in this section in the future as the activities and responsibilities of the agency change.

Sec. 123. Prohibition on Conflicting Pecuniary Interests.

Apart from pre-approved teaching, this section prohibits FAA executives and leadership from engaging in another business or having financial interests in aeronautical enterprises outside of index funds.

Sec. 124. Authority of Secretary and Administrator.

This section establishes the authorities of the FAA Administrator relating to those of the Department of Transportation (DOT), including the promulgation of regulations and responsibility for regulated aerospace entities.

This section also clarifies the rulemaking approval procedures at the Department for FAA rules and sets the benchmark for significant rulemakings.

Sec. 125. Review of FAA Rulemaking Processes.

This section directs the National Academy of Public Administration (NAPA) to evaluate the process by which FAA rulemakings are drafted, reviewed, and approved. NAPA will submit a report to Congress on their findings and provide recommendations to improve the agency's rulemaking process.

The Committee expects this study will occur after the FAA Administrator implements any reforms and improvements to the rulemaking process that are underway at the time that this Act is enacted, and therefore this review will consider the effectiveness of those changes.

Sec. 126. Office of Innovation.

This section establishes an Office of Innovation within the FAA that can be tasked by Congress, FAA leadership, or the Management Board of the agency to assist in scoping policy or rulemaking, tackling complex issues across multiple offices or that otherwise require additional considerations, and positioning the FAA to support aerospace innovation. The office is comprised of up to 15 mid-level career employees with expertise in particular fields and who represent the interests of an employee's respective office of the FAA during two-year appointments.

The Committee expects the opportunity to serve in this office will expose mid-level employees to the work of their peers in other lines of business and staff offices; better prepare them for advancement in the FAA; and allow them to work on short- or long-term projects

where issues span multiple offices. It is not expected that this office has decision-making authority, but the leadership of the Administration and the Management Board should give full consideration to any work products of the Office of Innovation.

Sec. 127. Frank A. LoBiondo National Aerospace Safety and Security Campus.

This section designates the campus owned by the FAA at the Atlantic City International Airport in New Jersey as the “Frank A. LoBiondo National Aerospace and Safety Campus.” The Campus includes facilities and property leased to other public or private entities.

Sec. 128. Technical Center for Advanced Aerospace.

This section renames, codifies, and expands the role of the “William J. Hughes Technical Center for Advanced Aerospace” (formerly the William J. Hughes Technical Center). The Technical Center is responsible for promoting Federal, academic, and industry cooperation and opportunities to advance aerospace research, development, and safety.

This section provides the Technical Center with the following duties: providing the aerospace industry access to Federal facilities, systems, and personnel through appropriate agreements; managing technology demonstration grant awards; identifying opportunities to improve aviation safety and efficiency of the ATC system; managing related facilities; and supporting the activities occurring in and around the Aerospace Safety and Security Campus.

The Center should consist of the FAA-operated buildings on the Campus. This section does not specify where in the FAA organizational structure the Technical Center exists.

Sec. 129. Office of NextGen Sunset.

This section sunsets the Office of NextGen in two and a half years and transfers the remaining duties, activities, and personnel to the William J. Hughes Technical Center for Advanced Aerospace, the Air Traffic Organization (including the NextGen Advisory Committee), and other offices of the Administration, as appropriate. In reassigning the activities of the Office of NextGen, the FAA Administrator should determine where activities would be most efficiently handled and if there are opportunities to reduce duplicative efforts.

Sec. 130. FAA Ombudsman.

This section establishes an Ombudsman of the FAA in the Office of Government and Industry Affairs to assist regulated persons and entities with an action or inaction of the FAA regarding a certification, certificate, license, registration, waiver or exemption, interpretation, determination, or other activity. The Ombudsman can coordinate with relevant offices within the FAA to facilitate the review and adjudication of various actions, highlight communication lapses, and ensure that reporting or dispute resolution mechanisms are transparent. The Ombudsman can also recommend solutions to improve the agency’s processes, communication, and other issues discovered during certain processes.

This section requires that the Ombudsman ensure an initial response is provided to a person within 10 days of receiving a submission. If a covered submission relates to an alleged violation of an order, a regulation, or any other provision of Federal law or whistleblower retaliation, the Ombudsman will refer the submission to the appropriate Federal entity to adjudicate or investigate the submission.

It is expected the Office of Government and Industry Affairs will need additional personnel to handle the new functions of the Ombudsman. It is also expected that the Assistant Administrator will determine how best to organize the office in order to perform such functions.

Sec. 131. Project Dashboards and Feedback Portal.

This section requires the Ombudsman to determine whether creating public dashboards and feedback portals for various FAA offices to routinely update regulated persons and entities on their applications would be beneficial to applicants and an efficient use of agency resources.

The Committee expects that any dashboard must work in a dynamic manner and provide near real-time, accessible status updates in order to be effective.

Sec. 132. Sense of Congress on FAA Engagement During Rule-making Activities.

This section expresses the sense of Congress that the FAA should engage with regulated entities during the pre-drafting of a rule and use, to a greater extent, docketed ex parte conversations to better inform the agency's work, reduce the time needed to adjudicate comments, and improve the timeline for the promulgation of final rules.

Sec. 133. Civil Aeromedical Institute.

This section contains a conforming amendment with no policy implications. This section maintains the Civil Aeromedical Institute.

Sec. 134. Management Advisory Council.

This section repeals the Air Traffic Services Board which has remained unused since its inception in 2003.

This section reestablishes the Federal Aerospace Management Advisory Council (MAC). This section reaffirms the role of the MAC, to provide advice and counsel to the Administrator and serve as an oversight resource. The MAC is comprised of 13 members, including a designee of DOT, a designee of the Department of Defense (DOD), 10 members representing aerospace and technology interests—five appointed by the Secretary and five appointed by the Administrator—and one member representing an air traffic controllers union.

The Committee expects the MAC will remain an advisory council to the FAA Administrator and the work of the Council should remain private unless the membership of the Committee or the FAA Administrator determines otherwise on a case-by-case basis.

Sec. 135. Aviation Noise Officer.

This section establishes the position of the Aviation Noise Officer (formerly the Aircraft Noise Regional Ombudsman). Appointed by the FAA Administrator, these officers will serve as liaisons to the public, including to community groups and airports, and will make recommendations to the Administrator on rules and decisions of the agency that may have noise impacts.

The Committee does not expect this section will require any reporting or structural changes to offices or personnel within the agency, unless the FAA Administrator determines such changes are appropriate.

Sec. 136. Chief Operating Officer.

This section contains conforming amendments based on the repeal of the Air Traffic Services Board. This section maintains the existing duties of the COO, adds the integration of new user operations into the National airspace system (NAS) to the duties of the COO, and clarifies that the COO has the responsibility for maintaining a state of good repair and the continuous improvement of the ATC system.

Sec. 137. Report on Unfunded Capital Investment Needs of Air Traffic Control System.

This section establishes a process by which the COO of the ATC system can submit to Congress, the FAA Administrator, and the DOT Secretary a list of upcoming ATC system facility and equipment needs following the publication of the President's budget that were not included in the budget. This process is similar to the Unfunded Priorities List process used by the DOD.

The Committee does not expect that any information provided in the report necessarily represents a position of the Administration and White House nor that it indicates disagreement of the COO or the FAA Administrator with the President's Budget. The Committee is expecting to better understand the current and near-term needs of the ATC system, and where additional resources that may be available during the appropriations process would be best directed.

Sec. 138. Chief Technology Officer.

This section maintains the existing duties of the Chief Technology Officer (CTO), adds a post-employment provision, and makes conforming edits.

The Committee expects the FAA to prioritize the establishment of this position.

Sec. 139. Definition of Air Traffic Control System.

This section includes a conforming amendment to maintain the definition of the ATC system and updates it to match the current scope of the system—including third-party providers of systems, hardware, and services.

The Committee does not expect this updated definition to be construed or interpreted as authorizing or facilitating the privatization of the ATC system.

Sec 140. Peer Review of Office of Whistleblower Protection and Aviation Safety Investigations.

This section subjects the Office of Whistleblower Protection and Aviation Safety Investigations to a peer review, similar to those performed on the Offices of Inspectors General. Such review will occur every five years and will be conducted in line with the guidelines of the Council of the Inspectors General on Integrity and Efficiency (CIGIE).

Sec. 141. Cybersecurity Lead.

This section requires the FAA Administrator to designate a Cybersecurity Lead for the agency. The Cybersecurity Lead will provide briefings to Congress on their activities, including implementation of the cybersecurity subtitle of this Act.

Sec. 142. Reducing FAA Waste, Inefficiency, and Unnecessary Responsibilities.

This section repeals or amends several annual FAA reports, as well as longstanding rulemakings that were previously required under law but are no longer necessary or a pertinent use of agency resources.

TITLE II: GENERAL AVIATION

SUBTITLE A—EXPANDING PILOT PRIVILEGES AND PROTECTIONS

Sec. 201. Reexamination of Pilots or Certificate Holders.

This section amends the *Pilot's Bill of Rights* to require the FAA Administrator to provide timely notification to an airman subject to a reexamination of an airman certificate. In providing such notification, the FAA Administrator must inform the individual (1) of the nature of the reexamination and the specific activity on which the reexamination is necessitated; (2) that the reexamination shall occur within one year from the date of the notice provided by the FAA Administrator; and (3) when an oral or written response to the notification from the FAA Administrator is not required.

This section clarifies that nothing in the section prohibits the FAA Administrator from reexamining an airman in certain scenarios.

Sec. 202. GAO Review of Pilot's Bill of Rights.

This section requires the Comptroller General to submit to Congress a report on the implementation and application of the *Pilot's Bill of Rights*, including the application of the Federal Rules of Civil Procedure and the Federal Rules of Evidence to covered proceedings by the National Transportation Safety Board (NTSB) and the impacts of the implementation of the *Pilot's Bill of Rights*.

Sec. 203. Expansion of BasicMed.

This section amends Section 2307 of the *FAA Extension, Safety, and Security Act of 2016* by: increasing the number of allowable passengers in a covered aircraft to six (up from five); increasing the allowable number of seats in a covered aircraft to seven (up from six); and increasing the maximum certificated takeoff weight of a covered aircraft to 12,500 pounds (up from 6,000 pounds). This sec-

tion also updates the medical form a state-licensed physician uses in completing a comprehensive medical examination.

The amendments made by this section are applicable beginning on the date that is 120 days after the date of enactment of this Act.

Sec. 204. Data Privacy.

This section requires the FAA Administrator to establish a process by which: (1) a private aircraft owner or operator may request the FAA Administrator to block the registration number and other similar identifiable data or information of their aircraft from any public dissemination or display for noncommercial flights; and (2) an aircraft owner or operator may request that the FAA Administrator withhold from public disclosure certain personally identifiable information on the Civil Aviation Registry website.

This section also requires the FAA Administrator to establish a program for aircraft owners and operators to apply for a new International Civil Aviation Organization (ICAO) aircraft identification code and develop a plan for which the FAA Administrator could allow for a process to disassociate an assigned Mode S code with its aircraft registry number.

This section further requires the FAA Administrator to conduct a study assessing the technical challenges, benefits, and costs of encrypting Automatic Dependent Surveillance-Broadcast (ADS-B) signals to provide for a safer and more secure environment for National airspace system users.

Sec. 205. Prohibition on Using ADS-B Data to Initiate an Investigation.

This section prohibits the FAA Administrator from initiating an investigation (excluding a criminal investigation) of a person based exclusively on ADS-B data.

This section does not preclude the FAA from using ADS-B data in civil investigations as long as the investigation was not originally initiated based on the sole review of such data.

Sec. 206. Prohibition on N-Number Profiteering.

This section prohibits an individual from reserving an aircraft registration number without certifying they intend to use the number either immediately on a specific aircraft or for future use on an aircraft owned or controlled, or intended to be owned or controlled, by the individual.

An individual may transfer a reserved registration number to another person so long as the transferor does not impose a cost on the transaction that exceeds the amount paid to initially reserve the number and the transferee certifies as such.

Sec. 207. Accountability for Aircraft Registration Numbers.

This section requires the FAA Administrator to review the process for reserving aircraft registration numbers to ensure that such process offers equal opportunity for members of the public to obtain specific aircraft registration numbers.

Sec. 208. Timely Resolution of Investigations.

This section requires the FAA Administrator to issue a final determination on any investigation into a person or entity left open

for more than two years, unless the FAA Administrator determines after a review of the facts that such time to perform the investigation is insufficient.

Sec. 209. Expansion of Volunteer Pilot Organization Definition.

This section amends Section 821 of the *FAA Modernization and Reform Act of 2012* to modify the definition of a “volunteer pilot organization” to expand the scope of charitable transportation that may be conducted for purposes of allowing reimbursement for fuel costs and airport fees attributed to a charitable flight operation, which includes: (1) assisting individuals accessing medical care; (2) delivering organs and other medical aid; and (3) certain disaster relief efforts.

Sec. 210. Charitable Flight Fuel Reimbursement Exemptions.

This section deems that exemptions granted to volunteer pilot organizations to reimburse pilots providing charitable transportation will be valid for five years.

The Committee expects the FAA Administrator to begin applying the changes made by this section to exemptions issued after the date of enactment of this Act.

Sec. 211. GAO Report on Charitable Flights.

This section requires the Comptroller General to initiate a review of charitable flights, including: (1) a review of all applicable laws, regulations, policies, legal opinions, and guidance pertaining to charitable flights and the operations of such flights; (2) an assessment of petitions for exemption from the regulation that prohibits reimbursement for fuel costs for private pilots; and (3) such flights conducted without an exemption from the regulation that prohibits reimbursement for fuel costs for private pilots.

Sec. 212. All Makes and Models Authorization.

This section requires the FAA Administrator to reestablish the authorization for all types and makes of certain experimental single and multiengine piston powered aircraft.

Sec. 213. Response to Letter of Investigation.

This section amends section 2(b) of the *Pilot’s Bill of Rights* to ensure that an individual has not less than 30 days to respond to Letter of Investigation from the FAA Administrator after receipt of such Letter.

SUBTITLE B—GENERAL AVIATION SAFETY

Sec. 221. ADS-B Safety Enhancement Incentive Program.

This section establishes a rebate program to incentivize certain general aviation aircraft owners and operators to purchase and install safety enhancing ADS-B technology on their aircraft. The amount of a rebate is equal to the lesser of the cost of purchasing such technology or \$2,000 and it must be redeemed or presented for payment within 180 days of issuance.

Sec. 222. GAO Report on ADS-B Technology.

This section requires the Comptroller General to conduct a study on ADS-B equipage and usage rates across the active general aviation fleet in the United States and ways of further incentivizing equipage.

Sec. 223. Protecting General Aviation Airports from FAA Closure.

This section ensures the FAA will only permit grant obligated airports to close if the Secretary of Transportation ensures that the closure: will not significantly impair the aeronautical purpose of an airport; will not result in the permanent closure of an airport (unless the Secretary determines that the waiver will directly facilitate the construction of a replacement airport); or is necessary to protect or advance the civil aviation interests of the United States.

Sec. 224. Ensuring Safe Landings During Off-Airport Operations.

This section prohibits the FAA from applying section 91.119 of title 14, Code of Federal Regulations, in any manner that requires a pilot to continue a landing that is unsafe.

Sec. 225. Airport Diagram Terminology.

This section requires the Administration to update certain Administration policy and guidance to ensure the clear and consistent use of terms to delineate the types of parking available to general aviation pilots.

Sec. 226. Alternative ADS-B Technologies for Use in Certain Small Aircraft.

This section requires the FAA Administrator to publish within three years a list of alternative ADS-B technologies for use in certain small aircraft so that such aircraft may voluntarily broadcast positioning to other aircraft in non-rule airspace.

Sec. 227. Airshow Safety Team.

This section requires the FAA Administrator, in partnership with industry, to establish as a part of the General Aviation Joint Safety Committee an Airshow Safety Team focused exclusively on airshow and aerial event safety.

Sec. 228. Tower Marking Notice of Proposed Rulemaking.

This section requires the FAA Administrator to issue a notice of proposed rulemaking to implement section 2110 of the *FAA Extension, Safety, and Security Act of 2016* (49 U.S.C. 44718 note) within one year.

SUBTITLE C—IMPROVING FAA SERVICES

Sec. 241. Aircraft Registration Validity During Renewal.

This section would permit an aircraft to be operated on or after the expiration date found on the certificate of registration issued for such aircraft as if it were not expired, so long as the operator is awaiting a pending registration renewal application and meets additional criteria. This section would not permit any person to operate an aircraft with an expired registration if the FAA Adminis-

trator has denied an application to renew the registration of such aircraft.

Sec. 242. Temporary Airman Certificates.

This section provides that an individual may obtain a temporary airman certificate from the FAA Administrator while waiting for a permanent one to replace a lost or stolen airman certificate. This section also requires the individual to subsequently destroy the temporary airman certificate upon receipt of the permanent replacement certificate.

Sec. 243. Flight Instruction or Testing.

This section deems that certain individuals who provide flight instruction or testing are not operating an aircraft carrying persons or property for hire.

Sec. 244. Letter of Deviation Authority.

This section excludes a flight instructor, registered owner, lessor, or lessee of an aircraft from the requirement to obtain a letter of deviation authority from the FAA Administrator to allow, conduct, or receive flight training, checking, and testing in a covered aircraft if no person advertises the aircraft or instruction as available for those activities; the flight instructor is not providing both the training and the aircraft; and no person receives compensation for use of the aircraft during those activities, other than expenses owed for operating, owning, and maintaining the aircraft.

Sec. 245. National Coordination and Oversight of Designated Pilot Examiners.

This section requires the FAA Administrator to establish a program or office to provide National coordination and oversight of designated pilot examiners (DPEs). This section further requires the established program or office to coordinate with Flight Standards District Offices, DPE managing specialists, and aviation industry stakeholders, including representatives of the general aviation community to consider (or reconsider) implementing the final recommendations report issued by the DPE Reforms Working Group.

Sec. 246. BasicMed for Examiners Administering Tests or Proficiency Checks.

This section would allow a pilot examiner to perform authorized examiner duties under BasicMed so long as the examiner can otherwise act as pilot-in-command under BasicMed in the aircraft being used for the exam.

Sec. 247. Designee Locator Tool Improvements.

This section requires the FAA Administrator to update the designee locator search tool to ensure that it has improved search functionalities recommended by the Women in Aviation Advisory Board and DPE Reforms Working Group. These include filtering a search for an aviation medical examiner by sex, if such information is available; displaying credentials and aircraft qualifications of a designated pilot examiner; and displaying the scheduling availability of a designated pilot examiner.

Sec. 248. Deadline to Eliminate Aircraft Registration Backlog.

This section requires the FAA Administrator to take such actions as may be necessary to reduce and maintain the aircraft registration and recordation backlog at the Civil Aviation Registry so that, on average, applications are processed no later than 10 business days after receipt.

Sec. 249. Part 135 Air Carrier Certificate Backlog.

This section sets the goal of reducing the backlog of air carrier certificate applications under part 135 at an average certificate processing goal of less than 60 days within one year of enactment and an average of less than 30 days processing goal within two years of enactment.

This section also requires the FAA Administrator to convene a working group to make recommendations to improve the aircraft conformity process for existing part 135 air carriers and operators and to study and review methods to modernize and improve the air carrier certification process under part 135.

Sec. 250. Logging Flight Time Accrued in Certain Public Aircraft.

This section directs the FAA Administrator, as required in the *FAA Reauthorization Act of 2018*, to issue a final rule to allow a pilot conducting certain public aircraft operations under the direct operational control of forestry and fire protection agencies to log flight time accrued in such aircraft. If the FAA Administrator fails to issue the rulemaking, the FAA Administrator would be prohibited from enforcing existing prohibitions pertaining to such actions against a pilot conducting public aircraft operations under the direct operational control of forestry and fire protection from logging flight time.

Sec. 251. Flight Instructor Certificates.

This section requires the FAA Administrator to issue a final rule for the rulemaking activity titled “Removal of the Expiration Date on a Flight Instructor Certificate” (RIN 2120–AL25), not later than 36 months after the date of enactment of the Act. Such rulemaking would require the FAA Administrator to remove the expiration date on a flight instructor certificate, among other things.

In the event the FAA Administrator fails to complete the required rulemaking, an individual holding a valid flight instructor certificate as of the date that is 36 months after the date of enactment may exercise the privileges of the certificate regardless of whether the certificate subsequently expires until the FAA Administrator issues the required rulemaking.

Sec. 252. Consistency of Policy Application in Flight Standards and Aircraft Certification.

This section requires the DOT Office of Inspector General (OIG) to initiate audits of the Flight Standards and Aircraft Certification Services, and the personnel of such offices, on the consistency of policy and regulatory interpretation and the application of policies, orders, and guidance. In conducting the audits, the IG is required to interview a wide array of stakeholders that interface with multiple FAA field and regional offices.

The three audits enumerated would pertain to the FAA's work with Part 145 repair stations, supplemental type certificate (STC) holders, and technical standard orders (TSO) holders. Subsequently, this section requires a report from the IG to Congress for each issue and then requires the FAA Administrator to consider such report's suggested best practices to ensure consistent application of policies, orders, guidance, and regulations.

Sec. 253. Application of Policies, Orders, and Guidance.

This section adds a new subsection to section 44701 of title 49, United States Code, that requires the FAA Administrator to ensure that policies, orders, and guidance issued are applied equally and consistently and are not altered without consultation. This section also requires the Administrator to ensure that officials are properly documenting findings and decisions throughout a project to avoid disruptions when personnel change.

Sec. 254. Expansion of the Regulatory Consistency Communications Board.

This section amends section 224 of the *FAA Reauthorization Act of 2018* by expanding the membership requirements for the Regulatory Consistency Communications Board to include additional FAA offices and by optimizing the functions of the Board.

Sec. 255. Exemption of Fees for Air Traffic Services.

This section requires the FAA to provide or ensure air traffic services and aviation safety support for large, multiday aviation events, including airshows and fly-ins, where the average daily number of manned operations were 1,000 or greater in at least one of the preceding three years, without the imposition or collection of any fee, tax, or other charge for that purpose.

Sec. 256. Modernization of Special Airworthiness Certification Rulemaking Deadline.

This section requires the FAA Administrator to issue a final rule for the rulemaking activity titled "Modernization of Special Airworthiness Certification" (RIN 2120-AL50).

Sec. 257. Termination of Designees.

This section mandates the FAA Administrator update the Administration's Designee Management Policy to provide for an investigatory process and record keeping requirements when a designee's termination is being considered. This section also requires the Administrator provide for a review panel to determine whether a termination is appropriate when termination for cause is a possible outcome upon the completion of the investigation. This section would allow for a subsequent review for a designated pilot examiner who was terminated for cause.

Sec. 258. Part 135 Check Airmen Reforms.

This section requires the FAA Administrator to assign to the Aviation Rulemaking Advisory Committee (ARAC) the task of reviewing all regulations and policies related to check airmen for air carrier operations conducted under part 135 of title 14, Code of Federal Regulations.

This section requires the ARAC to produce action-based recommendations based on the activities conducted pursuant to the review and requires the FAA Administrator to implement, as appropriate, such recommendations.

SUBTITLE D—OTHER PROVISIONS

Sec. 261. Required Consultation with National Parks Overflights Advisory Group.

This section requires the FAA Administrator and other agencies to consult with the National Parks Overflights Advisory Group as required in existing law.

Sec. 262. Supplemental Oxygen Regulatory Reform.

This section prohibits the application of certain supplemental oxygen mask requirements for pilots on board pressurized aircraft operating under parts 91 (general operating rules applied to all civil aircraft) and 135 (on-demand, unscheduled air service) of the Federal aviation regulations if the aircraft is flying below 41,000 feet.

Sec. 263. Exclusion of Gyroplanes from Fuel System Requirements.

This section clarifies that the crash resistant fuel system requirements in section 44737 of title 49, United States Code, only apply to helicopters by striking the term “rotorcraft” in each instance it appears and inserting “helicopter.”

This section also exempts from the requirements of section 44737 helicopters issued an experimental certificate or operating under a special flight permit.

Sec. 264. Airshow Venue Information, Awareness, Training, and Education Program.

This section requires the FAA Administrator to establish a program, in cooperation with the National Center for the Advancement of Aerospace, to be known as the “Airshow Venue Information, Awareness, Training, and Education (AVIATE) Program.” This program will provide information to the public, general aviation airports, local officials, and other stakeholders on the benefits of hosting air shows and how to host and execute such shows safely, among other things.

Sec. 265. Low Altitude Rotorcraft and Powered-Lift Operations.

This section requires the FAA Administrator within three years to establish or update low altitude routes and flight procedures to ensure safe rotorcraft and powered-lift aircraft operations within Class B airspace of the National airspace system.

Sec. 266. BasicMed in North America.

This section instructs the FAA Administrator to seek to facilitate the recognition of BasicMed medical qualifications with civil aviation authorities in Canada and such other foreign countries the FAA Administrator determines are appropriate.

Sec. 267. Eliminate Aviation Gasoline Lead Emissions.

This section requires the FAA Administrator to continue to partner with industry and other federal government stakeholders to

carry out the Eliminate Aviation Gasoline Lead Emissions Initiative (EAGLE Initiative).

This section specifies that the FAA Administrator shall take such actions as may be necessary to facilitate: (1) the safe elimination of the use of leaded aviation gasoline by piston-engine aircraft by the end of 2030 without adversely affecting the piston-engine aircraft fleet; (2) the approval of unleaded alternatives to leaded aviation gasoline for use in all piston-engine aircraft types and piston-engine types; (3) the implementation of the requirements of section 431 as they relate to the continued availability of aviation gasoline; (4) efforts to make approved unleaded gasoline widely available at airports; and (5) the development and implementation of a transition plan to safely expedite the transition of the piston-engine general aviation aircraft fleet to unleaded fuels by 2030.

This section also requires the FAA Administrator to develop and implement a transition plan to safely expedite the transition of piston-engine aircraft to unleaded fuels by 2030. In developing such plan, the FAA Administrator must consult aviation stakeholders and consider the following: (1) progress of the EAGLE Initiative; (2) the evaluation and development of fuel storage infrastructure to support the storage and distribution of unleaded fuels; (3) best practices for protecting against exposure to lead contamination on airfields; (4) efforts to address supply chain issues inhibiting timely distribution of unleaded fuels; and (5) efforts to educate pilots and aircraft owners on how to safely transition to unleaded fuels.

This section requires the FAA Administrator to develop materials that map or otherwise clearly convey the availability of unleaded fuels at airports. The FAA Administrator must brief the appropriate Committees of Congress not later than 60 days after publication of the plan.

TITLE III: AEROSPACE WORKFORCE

SUBTITLE A—GROWING THE TALENT POOL

Sec. 301. Extensions of Aviation Workforce Development Programs.

This section amends section 625 (the Aviation Workforce Development Programs) of the *FAA Reauthorization Act of 2018* to reauthorize funding levels for the aviation maintenance program and the aircraft pilot program at \$15 million respectively for each of FYs 2024 through 2026.

This section also authorizes funding for an aviation manufacturing workforce development program at \$15 million for the program for each of FYs 2024 through 2026.

Sec. 302. Improving Aviation Workforce Development Programs.

This section amends section 625 of the *FAA Reauthorization Act of 2018* by establishing a third workforce development program for aviation manufacturing to invest in the education and recruitment of aviation manufacturing workers and support the development of the aviation manufacturing workforce.

This section increases the maximum award limit for all three workforce development programs to \$750,000 (up from \$500,000) and provides a 20 percent set-aside for the Willa Brown Aviation Education Program.

This section updates the eligible entities and project eligibilities for the aviation maintenance and aircraft pilot programs, and harmonizes such eligible entities across each program, where appropriate.

This section terminates the authority of the DOT Secretary to make these awards after September 30, 2026, though aviation workforce development grant activities are intended to continue under the newly created CAREER program, which is established under section 305.

Sec. 303. National Center for the Advancement of Aerospace.

This section creates the National Center for the Advancement of Aerospace (NCAA), an independent, Federally chartered non-profit entity that serves to support and promote aviation workforce development and aviation education.

This section requires the NCAA to perform certain duties to fulfill the Center's purpose, which includes administering on behalf of the DOT Secretary the newly established Cooperative Aviation Recruitment, Enrichment, and Employment Readiness (CAREER) Program, the successor to the Aviation Workforce Development Program. The section also establishes a council to aid both the Secretary and the NCAA in carrying out the CAREER program by reviewing grant applications and recommending grant recipients.

This section requires the NCAA to report to Congress annually on the activities of the Center and the CAREER grant program, among other things.

This section authorizes the following amounts to be appropriated from the AATF to fund the NCAA: \$10 million for each FY 2024 through 2026, and \$11 million for FY 2027 and FY 2028.

Sec. 304. Cooperative Aviation Recruitment, Enrichment, and Employment Readiness Program.

This section establishes the Cooperative Aviation Recruitment, Enrichment, and Employment Readiness (CAREER) Program, the successor to the Aviation Workforce Development Programs, to support the education, recruitment, training, and retention of future aviation professionals and the development of a robust United States aviation workforce.

This section requires the Secretary to partner with the CAREER council (established as part of the NCAA) in administering the CAREER program and to establish a solicitation, review, and evaluation process that to ensure awards are made to eligible entities with proposals that have adequate merit and relevancy to the mission of the program and the NCAA.

This section requires the DOT Secretary to impose reasonable reporting and monitoring requirements for grant recipients to measure relevant outcomes for each program.

This section authorizes \$50 million to be appropriated for the CAREER program in each of FYs 2027 and 2028.

Sec. 305. Repeal of Duplicative or Obsolete Workforce Programs.

This section repeals the FAA's airway science curriculum grant program and the advanced training facilities program for maintenance technicians for air carrier aircraft.

Sec. 306. Civil Airmen Statistics.

This section requires the FAA Administrator to publish the United States Civil Airmen Statistics monthly (rather than on an annual basis) and expands data criteria. This section also requires the FAA Administrator to establish a web-based dashboard to present this data and findings.

Sec. 307. Bessie Coleman Women in Aviation Advisory Committee.

This section establishes the Bessie Coleman Women in Aviation Advisory Committee to advise the DOT Secretary and the FAA Administrator on the recruitment, retention, employment, education, training, well-being, and treatment of women in the aviation industry and in aviation-focused Federal civil service positions.

This section specifies the Committee's activities and certain functions it may perform in carrying out taskings by the Secretary. The Committee is also required to submit reports to Congress.

This section sunsets the Committee on the last day of the eight-year period beginning on the date of the initial appointment of the members of the Committee.

Sec. 308. Establishing a Comprehensive Web-Based Aviation Resource Center.

This section requires the FAA Administrator to partner with the NCAA to establish a high-quality, web-based resource center that provides streamlined public access to information on aviation career resources, apprenticeships, and related curricula for students and teachers, among other things.

Sec. 309. Direct Hire Authority from UAS Collegiate Training Initiative.

This section provides authority to the FAA Administrator to hire graduates or near-graduates in good standing from eligible institutions of higher education under the Unmanned Aircraft System Collegiate Training Initiative. This section sunsets the FAA Administrator's direct hire authority on September 30, 2028.

SUBTITLE B—IMPROVING TRAINING AND REBUILDING TALENT
PIPELINES

Sec. 311. Joint Aviation Employment Training Working Group.

This section requires the establishment of an interagency working group to advise the DOT Secretary and the DOD Secretary on matters and policies related to the training and certification of certain aviation professionals to improve career transition between the military and civilian workforces.

Sec. 312. Airman Knowledge Testing Working Group.

This section requires the Administrator to establish a working group under the Aviation Rulemaking Advisory Committee to review knowledge testing processes and procedures to improve the facilitation, administration, and accessibility of knowledge tests.

The working group shall also assess opportunities to allow high school students upon successful completion of an aviation maintenance curriculum described in paragraph (1) to take the general written knowledge portion of the mechanic exam.

Sec. 313. Airman Certification System Working Group and Timely Publication of Standards.

This section directs the FAA Administrator to task the Airman Certification System Working Group established under the Aviation Rulemaking Advisory Committee with reviewing Airman Certification Standards to ensure that airman proficiency and knowledge correlates and corresponds to regulations, procedures, equipment, aviation infrastructure, and safety trends.

This section also requires the FAA Administrator to publish the process by which the Airman Certification Standards are to be established, updated, and maintained, including related guidance and handbooks.

Sec. 314. Air Traffic Control Workforce Staffing.

This section transfers the responsibility for annual reporting on the Controller Workforce Plan (CWP) from the FAA Administrator to the COO of the Air Traffic Organization. It requires the COO to revise air traffic control hiring plans and staffing standards to ensure the controller and management workforce is adequately staffed to safely and efficiently manage the ATC system.

This section directs the FAA Administrator to set as the hiring target for each of FYs 2024 through 2027 to the maximum number of individuals trained at the FAA Air Traffic Control Academy.

This section requires the COO, in the interim, to adopt and utilize the staffing models and methodologies developed by the Collaborative Resource Workgroup (CRWG) that were recommended in a report submitted to the FAA Administrator and referenced in the CWP submitted to Congress on May 5, 2023.

This section requires the Transportation Research Board (TRB) to compare the Administration's staffing models and methodologies with those developed by the CRWG and determine which staffing model best accounts for the operational staffing needs of the air traffic control system. This section requires the FAA Administrator to adopt the best staffing model identified by the TRB.

Sec. 315. Aviation Safety Workforce Assessment.

This section requires the FAA Administrator to assess, on a recurring basis, staffing levels, critical competencies, and skills gaps of safety critical positions in the Flight Standards Service and Aircraft Certification Service and within other offices of the Administration that support such services.

Sec. 316. Military Aviation Maintenance.

This section requires the interagency working group established in section 311 to evaluate the appropriateness of revising part 65 rules (Federal aviation rules governing the certification of airmen other than flight crewmembers) to create a mechanic written competency test for eligible military maintenance technicians, to develop an Airmen Certification Standard to qualify eligible military technicians, and to allow a certificate of eligibility from the Joint Services Aviation Maintenance Technician Certification Council evidencing completion of a training program.

This section requires the interagency working group to determine whether an expansion of the number of active testing locations op-

erated within military installation testing centers would increase access to testing, as well as how to implement such expansion.

SUBTITLE C—ENGAGING AND RETAINING THE WORKFORCE

Sec. 321. Airman’s Medical Bill of Rights.

This section directs the FAA Administrator to develop a document referred to as the “Airman’s Medical Bill of Rights” that details the rights of an individual before, during, and after a medical exam conducted by an Aviation Medical Examiner. This section also directs the FAA Administrator to develop a second document to explain the standard procedures performed during a medical examination conducted by an examiner and to make such document readily available to individuals.

Sec. 322. Improved Designee Misconduct Reporting Process.

This section directs the FAA Administrator to establish a streamlined process for individuals involved in incidents of alleged misconduct by a designee to report such incidents in a manner that protects the individual’s privacy and confidentiality.

This section would also require designees to report to the FAA Administrator any arrest, indictment, or conviction for violation of a local, State, or Federal law within a period time to be specified by the FAA Administrator.

This section also requires DOT OIG to conduct an audit of the reporting process not later than three years after the date on which the FAA Administrator completes the required updates to the reporting process.

Sec. 323. Report on Safe Uniform Options for Certain Aviation Employees.

This section requires the FAA Administrator to conduct a review to determine whether major commercial airline carriers and repair stations have in place uniform policies and offerings that ensure pregnant employees can perform required duties safely. This section requires the FAA Administrator to brief Congress on the results of the review within two years.

Sec. 324. Extension of Samya Rose Stumo National Air Grant Fellowship Program.

This section extends the authorization for the Samya Rose Stumo National Air Grant Fellowship Program through FY 2028.

Sec. 325. Promotion of Civil Aeronautics and Safety of Air Commerce.

This section makes conforming edits associated with sections 326 and 502 of the bill.

Sec. 326. Educational and Professional Development.

This section describes the efforts the FAA shall undertake to promote and support the education and professional development of persons in the aviation sector, schools, or other organizations.

Sec. 327. Human Factors Professionals.

This section requires the FAA Administrator to establish a work code for human factors professionals.

Sec. 328. Aeromedical Innovation and Modernization Working Group.

This section establishes a working group to review the medical processes, policies, and procedures of the Administration and to make recommendations to the FAA Administrator to ensure the timely and efficient certification of airmen. This section requires the working group to assess the special issuance process, determine the appropriateness of expanding the list of medical conditions an Aviation Medical Examiner can issue a certificate, and to evaluate certain medications and treatments approved for use by airmen, among other activities.

This section also establishes a pilot mental health task group responsible for developing and providing recommendations related to supporting the mental health of pilots. Within two years of its establishment, the task group must submit a report to the DOT Secretary and Congress on its findings.

Sec. 329. Frontline Manager Workload Study.

This section directs the COO of the Air Traffic Organization to conduct a study on frontline manager workload challenges in air traffic control facilities. The COO must submit a report to Congress on its findings.

Sec. 330. Age Standards for Pilots.

This section amends Section 44729 of title 49, United States Code to increase the mandatory retirement age for pilots conducting operations under part 121 to 67 years of age (up from 65 years of age). This section provides retroactive application of the change to the mandatory retirement age so that a person who has attained 65 years of age on or before the date of enactment of the Act may return to service as a pilot for an air carrier engaged in covered operations.

This section prohibits an air carrier engaged in covered operations from requiring an employed pilot to serve until they attain 67 years of age.

TITLE IV: AIRPORT INFRASTRUCTURE

SUBTITLE A—AIRPORT IMPROVEMENT PROGRAM MODIFICATIONS

Sec. 401. AIP Definitions.

This section modifies and expands various definitions applicable to the Airport Improvement Program (AIP), including the establishment of a heliport and vertiport definition and clarification that certain airport development projects that are capable of sustaining commercial operations after a natural disaster are AIP eligible.

Sec. 402. Revenue Diversion Penalty Enhancement.

This section doubles the maximum penalty for an airport that illegally diverts airport revenue.

Sec. 403. Extension of Competitive Access Report Requirement.

This section extends the requirement that medium and large hub airports file competitive access reports if they are unable to accommodate a request from an air carrier for additional gates.

Sec. 404. Renewal of Certain Leases.

This section permits an airport to renew certain nominal rate leases with National Guard units without violating revenue diversion restrictions.

Sec. 405. Community Use of Airport Land.

This section prevents certain airports with parks on airport property from having to close the parks as a result of FAA requirements.

Sec. 406. Price Adjustment Provisions.

This section allows the DOT Secretary to incorporate price adjustment provisions into an AIP grant agreement to account for labor or material cost inflation.

Sec. 407. Allowable Project Costs and Letters of Intent.

This section allows an airport to incur utility relocation and work site preparation costs in advance of an AIP grant agreement and makes various technical amendments.

Sec. 408. Small Airport Letters of Intent.

This section requires the FAA to issue AIP letters of intent (LOIs) to small airports. Under an LOI, the FAA agrees in advance to provide funding for an airport project, allowing an airport to plan large capital projects proactively and receive better financing terms from the market. LOIs are currently restricted to large airports. This section will require the FAA to issue \$100 million in small airport LOIs annually beginning in FY 2028, giving small airports more certainty about when they will be able to complete major projects like runway extensions and rehabilitation.

Sec. 409. Prohibition on Use of AIP Funds to Procure Certain Passenger Boarding Bridges.

This section prohibits AIP funds from being used to purchase certain Chinese manufactured jet bridges.

Sec. 410. Fuel Infrastructure.

This section makes the installation of unleaded aviation gasoline fueling systems and fueling systems for type certificated hydrogen aircraft AIP eligible.

Sec. 411. Apportionments.

This section revises AIP apportionment formulas.

Major revisions in subsection (a) include increasing the minimum primary airport apportionment from \$1 million to \$1.3 million and eliminating the “cliff” for small commercial service airports whose passenger enplanements fell below 10,000. Instead, commercial service airports will receive funding on a sliding scale that ramps up from the \$150,000 non-primary entitlement to the \$1.3 million minimum primary apportionment, depending on the number of en-

planed passengers. The section also increases the cargo airport apportionment to four percent of AIP and allows airports with more than 25,000,000 pounds of total landed weight to receive cargo apportionments.

Major revisions in subsection (b) include increasing the general aviation apportionment from 20 percent to 25 percent of AIP. This section also allows general aviation apportionment funding in United States territories to be used for any airport in the territory.

Sec. 412. PFC Turnback Reduction.

This section reduces the amount of AIP apportionment funding a large or medium hub airport is required to turn back if it charges a passenger facility charge of \$4.50 from 75 percent to 60 percent, which will increase the amount of AIP apportionment funding those airports receive.

Sec. 413. Transfer of AIP Supplemental Funds to Formula Program.

This section reduces the authorization for AIP supplemental discretionary funds by more than 90 percent in order to make such funds available for the AIP formula program. The remaining authorization for supplemental funds is prioritized for runway safety projects.

Sec. 414. Small Airport Fund.

This section accounts for the reduction in PFC turnback funds flowing into the small airport fund by diverting 50 percent of non-primary entitlement carryover funds into the small airport fund. This section also simplifies the distribution formula for the fund. Finally, this section creates a five percent set-aside for the construction of small general aviation hangars and a five percent set-aside for aprons intended to be used for itinerant general aviation parking.

Sec. 415. Revision of Discretionary Categories.

This section revises the formulas and eligibilities in AIP discretionary categories. This section increases the number of projects eligible to be funded under the existing environmental programs set-aside while both raising the floor and lowering the ceiling on category funding. This section also lowers the maximum amount that can be spent under the environmental set-aside from \$300 million to \$200 million while raising the minimum floor for that set-aside to \$150 million.

The Committee intends for the FAA Administrator to provide a minimum of \$150 million each fiscal year for projects funded through the environmental set-aside AIP discretionary account via the process described in the amendments made by this section.

Sec. 416. Terminal Development.

This section removes most restrictions on the kinds of terminal development projects AIP can be used for, reducing the need for airports to segment terminal projects to comply with program requirements.

Sec. 417. State Block Grant Program.

This section revises provisions relating to the State Block Grant Program under which States administer and disburse general aviation airport funding.

Subsection (a) increases the Federal share of airport projects in state block grant States from 90 percent to 91 percent to account for administrative costs associated with running the program.

Subsection (b) requires the FAA to provide recurring training on state block grant program administrative requirements, including when there is a significant change to the program.

Subsection (c) requires the DOT Secretary to enter into memoranda of agreement with state block grant States to delineate FAA and State responsibilities under the program. The subsection also requires the FAA to accept State documentation that is equivalent to the documentation that FAA itself would produce for a similar decision.

Sec. 418. Innovative Financing Techniques.

This section authorizes the DOT Secretary to approve AIP grants for projects that use innovative financing techniques.

Sec. 419. Long-Term Management Plans.

This section adds as an additional priority consideration for airport funding under the zero-emission vehicle program the development of a long-term management plan for eligible vehicles and equipment.

Sec. 420. Alternative Project Delivery.

This section expends an existing alternative project delivery program and allows for the FAA to approve AIP grants.

Sec. 421. Nonmovement Area Surveillance Surface Display Systems Pilot Program.

This section extends a FAA Reauthorization Act of 2018 pilot program that allows airports to use AIP funds to acquire nonmovement area surveillance systems.

Sec. 422. Repeal of Obsolete Criminal Provisions.

This section repeals an obsolete criminal provision relating to FAA construction of international airport facilities.

Sec. 423. Limitation on Certain Rolling Stock Procurements.

This section applies an existing Federal Transit Administration (FTA) prohibition on using Federal funds to acquire Chinese rolling stock to AIP.

Sec. 424. Regulatory Application.

This section requires the FAA to consider the extent to which communities in Alaska are not connected to the ground transportation system when administering AIP.

Sec. 425. National Priority System Formulas.

This section directs the FAA to update its formulas for determining AIP grant priorities assigned to different projects.

Sec. 426. Minority and Disadvantaged Business Participation.

This section finds that there remains a compelling need for the continuation of the airport disadvantaged business enterprise (DBE) program and the airport concessions DBE program.

Sec. 427. Airport Access Roads in Remote Locations.

This section extends the applicability of a provision in the FAA Reauthorization Act of 2018 that allows AIP funds to be used to construct certain airport access roads in noncontiguous States.

Sec. 428. Limited Regulation of Non-Federally Sponsored Property.

This section clarifies a provision in the *FAA Reauthorization Act of 2018* that prohibits the DOT from regulating, directly or indirectly, the acquisition, use, lease, transfer, or disposal of airport property by an airport owner or operator if the land was not purchased with Federal funds, except to ensure airport safety and efficiency is maintained and that fair market value is received.

Sec. 429. Motorcoach Enplanement Pilot Program.

This section allows airports to count passengers who pass through security and board motorcoaches to other airports to be counted as enplaned passengers for purposes of AIP apportionment funding through 2028.

Sec. 430. Populous Counties Without Airports.

This section requires the FAA to include a new airport in the national plan of integrated airport systems if the airport is located in the most populous county of a state that does not have a listed airport if it meets certain criteria.

Sec. 431. Continued Availability of Aviation Gasoline.

This section requires that airports that had aviation gasoline available in 2018 continue to make aviation gasoline, including leaded or unleaded gasoline, available for purchase.

Sec. 432. AIP Handbook Update.

This section requires the FAA to update the AIP handbook to account for legislative changes to the program. It also requires that the FAA consult with airport stakeholders in developing the handbook and to release a draft handbook for public comment.

Sec. 433. GAO Audit of Airport Financial Reporting Program.

This section requires the Comptroller General to audit the FAA's airport financial reporting program, under which airports are required to provide certain financial data to the FAA on an annual basis.

Sec. 434. GAO Review of Nonaeronautical Revenue Streams at Airports.

This section requires the Comptroller General to review nonaeronautical revenue streams at airports and to assess different opportunities for airports to increase their nonaeronautical revenue.

Sec. 435. Maintaining Safe Fire and Rescue Staffing Levels.

This section requires the FAA Administrator to update airport firefighting and rescue requirements to ensure certain airports have basic level Emergency Medical Technician (EMT) training for at least one first responder, consistent with best practices.

This section also requires the FAA Administrator to evaluate present-day airport environments and determine if current staffing requirements are sufficient.

Sec. 436. GAO Study of On-Site Airport Generation.

This section requires the Comptroller General to study the feasibility of certain on-site power generation solutions at airports and submit a report to Congress on its findings.

Sec. 437. Transportation Demand Management at Airports.

This section requires the Comptroller General to study and issue a report on the efficacy of transportation demand management strategies at United States airports. In this section, the term “transportation demand management strategy” means the use of planning, programs, policy, marketing, communications, incentives, pricing, data, and technology to optimize travel modes, routes used, departure times, and number of trips.

Sec. 438. Coastal Airports Assessment.

This section requires the FAA Administrator to coordinate with the Army Corps of Engineers to assess the resiliency of United States coastal airports and submit a report to Congress on the findings and related recommendations.

Sec. 439. Airport Investment Partnership Program.

This section amends the Airport Investment Partnership Program giving the DOT Secretary the ability to conduct a benefit-cost analysis during the approval of an application. If conducted, the benefit-cost analysis must be completed within 60 days of submission or 60 days after all required information is submitted to the Secretary.

Sec. 440. GAO Study on Per-Trip Airport Fees for TNC Consumers.

This section tasks the Comptroller General with studying the fees that airports charge customers of transportation network companies.

Sec. 441. Special Rule for Reclassification of Certain Unclassified Airports.

Under this section, a privately owned reliever airport that is not identified in the National Plan of Integrated Airport Systems may submit to the DOT Secretary a request to reclassify the airport according to criteria used to classify a publicly owned airport. In submitting such a request, the airport shall provide a sworn statement, along with the appropriate documentation, to demonstrate the airport satisfies the requirements to be classified as “local” or “basic” if the airport was publicly owned. Airports must also submit a report that identifies the role of the airport to the aviation system and describes the long-term fiscal viability of the airport.

This section directs the DOT Secretary to complete an eligibility review within 60 days of receiving such reclassification request from a privately owned reliever airport. When conducting the eligibility review, the Secretary may require the airport to provide information on the possibility for obtaining a public sponsor; however, the Secretary may not require the airport to obtain a public sponsor.

This section also directs the Secretary to grant requests within 60 days of receiving the request if the request includes the appropriate information (as defined under this section) and the airport passes the eligibility review. An airport that does not pass the eligibility review, performed by the Secretary, may submit a corrective action plan that resolves the shortcomings identified by the eligibility review and proves corrective actions have been completed by the airport.

Lastly, this section dictates that the reclassification of privately owned reliever airports shall take effect before September 30, 2026, for an airport that passes the eligibility review and before September 30, 2027, for requests granted after the submission of a corrective action plan.

Sec. 442. Permanent Solar Powered Taxiway Edge Lighting Systems.

This section requires the FAA Administrator to publish an engineering brief on the acceptable use of solar-powered taxiway edge lighting systems at nonprimary airports.

Sec. 443. Secondary Runways.

This section requires the FAA Administrator to consider allowing for the use of funds from the Infrastructure Investment and Jobs Act for the extension of secondary runways as non-hub or small-hub airports.

Sec. 444. Increasing the Energy Efficiency of Airports and Meeting Current and Future Electrical Power Demands.

This section amends Section 47140 of title 49, United States Code, to include present and future power demands for airside and landside operations in airport energy assessments. This section further amends section 47140 to include airside energy projects as an eligible project.

Sec. 445. Electric Aircraft Infrastructure Pilot Program.

This section establishes a five-year pilot program allowing up to 10 eligible airports to acquire, install, and operate charging equipment for electric aircraft and to construct or modify related infrastructure to support such equipment.

Sec. 446. Curb Management Practices.

This section clarifies that nothing in this Act shall prevent an airport from implementing curb management practices or from enforcing curb zones at an airport.

SUBTITLE B—PASSENGER FACILITY CHARGE

Sec. 461. PFC Application Approvals.

This section expands the eligible uses of Passenger Facility Charges (PFCs) to include “airport-related projects.”

Sec. 462. PFC Authorization Pilot Program Implementation.

This section requires the implementation of the PFC authorization pilot program, which would allow airports to file a notice of their intent to impose a PFC rather than file an application to do so. The pilot program maintains all presently required air carrier consultation and comment requirements and permits the DOT Secretary to block an airport’s imposition of a PFC subject to further review.

SUBTITLE C—NOISE AND ENVIRONMENTAL PROGRAMS AND STREAMLINING

Sec. 471. Streamlining Consultation Process.

This section clarifies that the DOT Secretary may consult with the Secretary of the Interior and the Administrator of the Environmental Protection Agency on runway construction or extension projects.

Sec. 472. Repeal of Burdensome Emissions Credit Requirements.

This section repeals requirements that airports receive emissions credits when they receive AIP grants for certain environmental projects.

Sec. 473. Expedited Environmental Review and One Federal Decision.

This section reforms and expands the applicability of FAA’s expedited environmental review process and implements the major components of One Federal Decision. The process will apply to all airport capacity enhancement projects, terminal development projects, and general aviation projects, as well as certain important aviation safety projects. The section directs the FAA to take the lead on coordinating and scheduling the environmental review process and to ensure that environmental reviews are occurring concurrently with each other.

Sec. 474. Subchapter III Definitions.

This section makes minor amendments to definitions applicable to subchapter III of chapter 471 of title 49, United States Code.

Sec. 475. Pilot Program Extension.

This section extends the authorization of the environmental mitigation pilot program established in the FAA Reauthorization Act of 2018.

Sec. 476. Part 150 Noise Standards Update.

This section directs the FAA Administrator to review and revise part 150 of title 14, Code of Federal Regulations, to reflect all relevant laws and regulations, including part 161 of title 14, Code of Federal Regulations.

In clarifying existing and future noise policies and standards, the FAA Administrator is required to seek feedback from airports, airport users, and individuals living in the vicinity of airports.

This section also directs the FAA Administrator to brief the appropriate Committees of Congress every six months on the review conducted under this section. The briefing requirement sunsets on September 30, 2028.

Sec. 477. Reducing Community Aircraft Noise Exposure.

This section mandates that the FAA Administrator take the following actions to reduce undesirable aircraft noise when implementing or revising a flight procedure: the FAA Administrator should implement flight procedures that mitigate the impact of aircraft noise, work with airport sponsors and impacted neighborhoods in establishing or modifying arrival and departure routes, and discourage local encroachment of residential or other buildings near airports.

Sec. 478. Categorical Exclusions.

This section increases the number of FAA activities that are presumed to be covered by categorical exclusions for purposes of the *National Environmental Policy Act (NEPA)*.

Subsection (a) creates a categorical exclusion for airport projects that receive less than \$6 million in Federal funding, similar to Federal highway projects.

Subsection (b) creates a categorical exclusion for the rebuilding of airport infrastructure that is damaged or destroyed in a natural disaster.

Subsection (c) clarifies that the standard “extraordinary circumstances” exception applies to categorical exclusions created under this section.

Sec. 479. Critical Habitat On or Near Airport Property.

This section requires the FAA to coordinate with other Federal agencies to ensure the designation of critical habitat for endangered species does not create conflicting regulatory requirements for airports or jeopardize aviation safety.

Sec. 480. Updating Presumed to Conform Limits.

This section requires the DOT Secretary to update presumed to conform limits to include the construction of aircraft hangars and airport rescue and firefighting facilities.

Sec. 481. Recommendations on Reducing Rotorcraft Noise in District of Columbia.

This section requires the Comptroller General to study options to reduce rotorcraft noise in the District of Columbia, including consideration of changes to military operations and alternative methods for emergency response and law enforcement operations.

Sec. 482. UFP Study.

This section requires a National Academies study to examine airborne ultrafine particles (UFP) and their effects on human health, including on susceptible individuals. Among its considerations, the

study will provide recommendations on measures to reduce aviation-related emissions.

Sec. 483. Aviation and Airport Community Engagement.

This section requires the FAA to form an Airport Community of Interest Task Force to provide recommendations on multiple aspects of FAA community engagement with airport communities, including with regard to Federal noise abatement efforts, air traffic pattern changes, the Federal noise complaint process, development projects around airports, and improving information sharing. It also directs the FAA to convene annual engagement events in each of its regions, in conjunction with its Regional Community Engagement Officers, to focus on topics of regional interest.

Sec. 484. Community Collaboration Program.

This section requires the FAA to establish a Community Collaboration Program to harmonize policies and procedures across the agency relating to community engagement, including establishing the Airport Community of Interest Task Force as detailed in Sec. 483, hosting regional engagement events referred to in Sec. 483, coordinating with the Air Traffic Organization on engagement efforts related to air traffic procedure changes, oversight of Regional Ombudsmen, increasing the responsiveness of the FAA's noise complaint process, and implementing Government Accountability Office (GAO) recommendations related to improving outreach on noise.

Sec. 485. Third Party Study on Aviation Noise Metrics.

This section requires a National Academies study on the efficacy and disadvantages of the Day-Night Average Sound Level (DNL) noise metric compared to alternatives, including for assessing the impacts of nighttime noise, and any changes that should be made to it.

Sec. 486. Information Sharing Requirement.

This section requires the DOT Secretary (acting through the FAA Administrator of the Federal Aviation Administration) to establish a mechanism to make helicopter noise complaint data accessible to the Administration, helicopter operators operating in the D.C. area, and the public through a website of the Administration.

This section also requires helicopter operators operating in the D.C. area to provide helicopter noise complaint data to the Administration through the process developed under this section.

TITLE V: AVIATION SAFETY

SUBTITLE A—GENERAL PROVISIONS

Sec. 501. Zero Tolerance for Near Misses, Runway Incursions, and Surface Safety Risks.

This section expands the aviation policy of the United States to expressly include aviation-related projects, activities, and actions as being important in improving the ground operations of aircraft at airports, and requires the FAA to continuously track and evaluate both ground and air traffic activity and incidents at and around airports to mitigate and reduce such incidents from occurring.

This section requires the FAA to establish the Runway Safety Council to develop strategies to address safety risks of ground operations at airports. This section also requires the FAA to identify and deploy technologies, equipment, and systems, such as surface surveillance and detection systems, to enhance the safety of ground operations at all medium hub airports, large hub airports, and other airports that lack airport surface surveillance capabilities and may need such capabilities.

Sec. 502. Global Aviation Safety.

Subsection (a) of this section establishes the rationale for FAA's international presence—providing technical assistance to civil aviation authorities, encouraging the adoption of United States standards and policies, maintaining an aviation regulatory environment that supports the safe travel of Americans abroad, supporting United States manufacturers pursuing validation of aerospace products and new markets, and managing bilateral aviation safety agreements with foreign countries.

Subsection (b) requires the FAA to develop a means by which to review the effectiveness of its international offices in executing the mission of the agency and the adequacy of the resources needed for such a mission. This subsection also requires the FAA Administrator to establish new offices based on any identified gaps. In performing the review, the Committee expects the FAA Administrator will consider the need for an international office in Ethiopia near the headquarters of the African Union Commission and in Indonesia where the country has seen passenger counts increase by more than 50 percent from 2013 to 2019.

Subsection (c) defines the purpose of multilateral and bilateral aviation safety agreements (BASA) and includes in such purpose: the harmonization of requirements and processes to the benefit of aviation safety and the United States aerospace industry; the ability to update BASAs to include new technologies and aerospace users; and procedures for holding foreign aviation authorities accountable for adherence to BASAs. This subsection also requires the DOT OIG to audit the extent to which the United States and other foreign civil aviation authorities comply with BASAs as they pertain to validating aerospace products. The Committee expects FAA will seek to update, with relevant authorities, existing BASAs to include at a minimum the operation of unmanned aircraft systems and powered-lift aircraft as well as the certification and validation of such systems and aircraft.

Lastly, subsection (d) requires that the FAA Administrator establish a strategic plan for international engagement which includes maintaining metrics to measure the effectiveness of and compliance with BASAs.

Sec. 503. Availability of Personnel for Inspections, Site Visits, and Training.

This section instructs the FAA Administrator and the DOT Secretary to delegate the authority to authorize travel for certain employees to appropriate supervisors of the Administration, without additional approvals. Travel authorized under this section shall be for the purpose of promoting civil aeronautics and safety of air commerce both domestically and internationally.

The Committee expects that the DOT Secretary and FAA Administrator will reduce the burden of getting travel approved and that personnel of the Administration will increase their site visits and participation in in-person conferences and meetings.

Sec. 504. Helicopter Air Ambulance Operations.

This section repeals an outstanding rulemaking activity that is duplicative with other regulatory and oversight actions taken by the FAA regarding helicopter air ambulance operations. This section requires the FAA to inform Congress on how specific risks to air ambulance operations will be captured under their Safety Management System (SMS) programs.

This section also requires the FAA to more routinely publish air ambulance safety information on the FAA's website.

Sec. 505. Global Aircraft Maintenance Safety Improvements.

This requires that all foreign aircraft repair stations be subject to at least one unannounced safety inspection each year and sets forth minimum qualifications for mechanics and others working on United States registered aircraft at foreign repair stations.

This section also directs the FAA to convene a foreign repair station working group with other civil aviation authorities to conduct a review of the certification and oversight of the stations and to identify any future enhancements to strengthen oversight of such stations.

This section further requires that rules mandated in the *FAA Extension, Safety, and Security Act of 2016* on drug and alcohol testing and a threat assessment of employees at foreign repair stations are implemented.

Sec. 506. ODA Best Practice Sharing.

This section directs the FAA's Organization Designation Authorization (ODA) Oversight Office to convene a forum for ODA holders, unit members, and other organizational representatives not less than every two years to share best practices and foster open and transparent communication between Administration safety specialists, ODA holders, and unit members.

Sec. 507. Training of Organization Delegation Authority Unit Members.

This section mandates that approved ODA holders have a recurrent training program for all ODA unit members. The training program established in this section shall cover unit members' professional obligation and responsibilities, the ODA holder's code of ethics, and procedures for reporting safety concerns.

This section also requires the FAA ODA Office to review each ODA holder's recurrent training program to ensure it covers all topics required under this section.

In addition, this section requires that ODA unit members complete ethics training within 60 business days of being designated as an ODA unit member. ODA unit members authorized to perform delegated functions under an ODA prior to the establishment of the training program must complete the training no later than 30 days after such training course is approved by the FAA Administrator and annually thereafter.

Sec. 508. Clarification on Safety Management System Information Disclosure.

This section clarifies that a report, data, or other information submitted for any purpose relating to the development, implementation, and use of a safety management system, including a system required by regulations, that is acceptable to the FAA Administrator, may not be disclosed to the public by the FAA Administrator.

Sec. 509. Extension of Aircraft Certification, Safety, and Accountability Act Reporting Requirements.

This section extends the reporting requirements in the *Aircraft Certification, Safety, and Accountability Act* through 2028.

Sec. 510. Don Young Alaska Aviation Safety Initiative.

This section renames the FAA Alaska Aviation Safety Initiative as the “Don Young Alaska Aviation Safety Initiative” and sets forth objectives to work cooperatively with aviation stakeholders towards the goal of reducing the rate of fatal aircraft accidents by 90 percent from 2019–2033 and eliminating fatal accidents of commercial aircraft by 2033 in Alaska, Hawaii, and the territories of the United States. Furthermore, the section designates the Regional Administrator for the Alaskan Region of the Administration to serve as the Director of the Initiative and requires the Director to build upon the existing initiatives of the FAA Alaska Aviation Safety Initiative.

This section also directs the FAA Administrator to ensure installation and operation of automated weather reporting systems and the reliability and availability of information from those systems. Further, it directs the FAA Administrator to deploy visual weather observation systems and continue to assess the state of weather camera systems. This also requires the FAA Administrator to encourage and incentivize equipage of automatic dependent surveillance broadcast out equipment on commercial aircraft operating in the covered locations.

Finally, this section allows the FAA Administrator to consider hiring locally for safety critical FAA position in the covered locations if the FAA Administrator has determined there are unique circumstances affecting the ability to hire for those positions. It also directs the FAA Administrator to take such actions as may be necessary to implement NTSB recommendations A–22–25 and A–22–26, in coordination with various Alaska stakeholders.

Sec. 511. Continued Oversight of FAA Compliance Program.

This section requires the FAA Administrator to continue the agency-wide evaluation to assess the functioning and effectiveness of the Compliance Program and directs the FAA Administrator to determine the need for long term metrics, if the program ensure the highest level of compliance with safety standards, and if the program has met its stated safety goals and purpose.

Sec. 512. Scalability of Safety Management Systems.

This section directs the FAA Administrator, in conducting a rule-making to require, or implementing a regulation requiring a safety management system, to consider the scalability of such safety man-

agement system requirements to the full range of entities in terms of size or complexity.

Sec. 513. Finalize Safety Management System Rulemaking.

This section directs the Administrator to issue a final rule on the SMS notice of proposed rulemaking (NPRM) no later than 180 days after the enactment of this Act. This section also requires the SMS NPRM to apply to all certificate holders operating under the rules for part 135 or section 91.147 of title 14, Code of Federal Regulations, as well as certain production and type certificate holders under part 21 of title 14, Code of Federal Regulations.

Sec. 514. Improvements to Aviation Safety Information Analysis and Sharing.

This section would require the FAA to implement improvements to the Aviation Safety Information Analysis and Sharing program with respect to safety data sharing and risk mitigation. Required improvements include developing predictive capabilities to anticipate emerging safety risks, establishing a robust process for prioritizing request for safety information, and identifying industry segments not yet included in the program.

Sec. 515. Improvement of Certification Processes.

This section directs the FAA to continually evaluate and improve the process by which they coordinate with, respond to, and consider aircraft certification applications.

This section also requires that the FAA contract with a qualified third-party organization or consortium to evaluate the use of digital tools and software systems that allow for near-real-time and virtual evaluation of an applicant's design, associated documentation, and software or systems products, including the use of digital three-dimensional formats and model-based systems engineering design techniques.

This section requires that the FAA review any recommendations, pursue the implementation of any recommended solutions, and issue updates to guidance and policy documents in order to integrate the use of such solutions.

Sec. 516. Instructions for Continued Airworthiness Aviation Rulemaking Committee.

This section requires that the FAA convene an Aviation Rulemaking Committee (ARC) on instructions for continued airworthiness (ICA). The ARC will evaluate related regulations and guidance material for clarity, the sufficiency of safety and maintenance data used to prepare ICA, the protection of intellectual property, and the harmonization of FAA's ICA with those of their peer authorities. This section was amended by the Committee to ensure that the ARC would not consist of a majority viewpoint regarding the accessibility of ICA.

This section requires the FAA to update such regulations and guidance material to address the recommendations from the ICA ARC.

Sec. 517. Clarity for Supplemental Type Certificate Requirements.

This section requires the FAA to clarify when a major alteration requires a Supplemental Type Certificate (STC) and when a change can be approved using FAA approved engineering data. The Committee believes that entities considering alterations should be able to reasonably predict whether an STC will be required and that district offices should be able to confidently and accurately make such determinations in most cases.

Sec. 518. Use of Advanced Tools in Certifying Aerospace Products.

This section requires the FAA to study and consider the use of advanced tools (including simulation, integrated test facilities, laboratories, and remote piloting) during flight testing of aviation products to reduce the risk to test pilots and more adequately test the limits of such products, particularly when such tests are done more than once—in company testing and then FAA testing.

This section requires the FAA to issue a report on the results of the assessment and the FAA's plans to implement such findings.

Sec. 519. Transport Airplane and Propulsion Certification Modernization.

This section requires the FAA to publish a draft rule on transport airplane and propulsion certification modernization which the agency added to its regulatory agenda in 2022. This rule further harmonizes the certification requirements for transport category aircraft with the European Union Aviation Safety Agency (EASA), codifies common special conditions, and addresses other recommendations of the Aviation Rulemaking and Advisory Committee.

Sec. 520. Engine Fire Protection Standards.

This section requires that the FAA review and compare their application of international airworthiness standards for engine firewalls with the requirements of other civil aviation authorities.

Sec. 521. Risk Model for Production Facility Inspections.

This section requires the FAA to conduct a review of the risk-based model used by FAA certification management offices to inform the frequency of aircraft manufacturing or production facility inspections and update the model to ensure it accounts for risk during periods of increased production.

Sec. 522. Secondary Cockpit Barriers.

This section requires the FAA Administrator to convene an Aviation Rulemaking Committee to review and develop findings and recommendations to require installation of a secondary cockpit barrier on certain commercial aircraft not covered by any current rules, including the final rule issued recently mandating secondary barriers for certain new aircraft manufactured for delivery.

Sec. 523. Review of FAA Use of Aerospace Safety Data.

This section requires that the FAA enter into an agreement with a qualified third-party organization or consortium to review what data the FAA has, how that data is stored and used, and whether

the data is complete and useful for the purposes of identifying safety trends and addressing identified risks.

This section requires that the FAA develop and implement a plan based on any recommendations and work with the qualified third-party organization or consortium to implement such plans.

Sec. 524. Part 135 Duty and Rest.

This section requires the FAA to address two recommendations from the Part 135 Pilot Rest and Duty Aviation Rulemaking Committee (ARC). Specifically, it requires the FAA to limit the use of ferry flights beyond reasonable duty times, and update policy and guidance on record keeping for part 135 operators. The section further requires the FAA Administrator to ensure that part 135 operators are considering the risk of ferry flights and inadequate flight crew record keeping requirements in their mandated safety management systems.

Sec. 525. Cockpit Voice and Video Recorders.

This section would require the FAA Administrator to complete a rulemaking to require scheduled air carriers to be equipped with a cockpit voice recorder and flight data recorder capable of recording the most recent 25 hours of data no later than four years after the date of enactment of this Act. Furthermore, this section prohibits any person from erasing or tampering with any recording on such recorders following an aircraft accident or incident, requires that such cockpit voice recorder has the capability for an operator to use an erasure feature, requires that the manufacturer or the National Transportation Safety Board have access to the software necessary to extract deleted recording data, and require that data on such recorders is not disclosed for uses other than accident or incident investigation purposes.

Finally, this section prohibits cockpit voice recorder recordings from being used by the FAA Administrator or any employer for any certificate action, civil penalty, or disciplinary proceedings against flight crew members.

Sec. 526. Flight Data Recovery from Overwater Operations.

This section requires the FAA Administrator to direct the Aviation Rulemaking and Advisory Committee to provide consensus recommendations for the equipage of flight data recovery for aircraft operated by scheduled air carriers for extended overwater operations. Furthermore, this section requires the FAA Administrator to initiate a rulemaking based on such consensus recommendations, if determined appropriate, no later than one year after receiving any recommendations. Finally, if the FAA Administrator decides not to issue a rulemaking, they must provide a briefing to Congress on the justification for such a decision.

Sec. 527. Emergency Medical Equipment on Passenger Aircraft.

This section requires the FAA Administrator to review and, as appropriate, update regulations regarding emergency medical equipment requirements, and the training required for flight crew for such emergency medical equipment, for scheduled air carriers. Further, this section requires the FAA Administrator to consider the benefits and costs of requiring scheduled air carriers to include

new medications and equipment in approved emergency medical kits. Furthermore, it requires the FAA Administrator to consider whether the current requirements for minimum contents of emergency medical kits include appropriate medications to address the emergency medical needs of children and pregnant women, opioid overdose, anaphylaxis, and cardiac arrest. Finally, this section requires the FAA Administrator to consult with associations representing aerospace medical professionals when conducting the review.

Sec. 528. Navigation Aids Study.

This section requires the DOT OIG to examine the effects of potentially reclassifying navigation aids from Design Assurance Level-B to Design Assurance Level-A including the cost-benefit, risks, and necessity of such potential reclassification.

Sec. 529. Remote Towers.

This section directs a third party to study: (1) the remote tower pilot program established under the *FAA Reauthorization Act of 2018*; and (2) remote tower technology in existence as of the date of enactment of this Act. It also directs the FAA to establish certification and operational approval processes for such technology, for use primarily at non-towered, public-use airports.

Sec. 530. Weather Reporting Systems Study.

This section requires the Comptroller General to examine how to improve the procurement, functionality, and sustainability of weather reporting systems to improve the resiliency of weather reporting systems, and to assess alternative means to weather reporting systems that would suffice in obtaining accurate weather data and information.

Sec. 531. GAO Study on Expansion of the FAA Weather Camera Program.

This section directs Comptroller General to conduct a study on the feasibility and potential safety benefits of expanding the Weather Camera Program of the FAA to locations in the United States that lack weather camera services.

Sec. 532. Study on Aviation Safety in Era of Wireless Connectivity.

This section mandates the FAA Administrator enter into an agreement with the National Academies to study potential conflicts between uses of radio spectrum by aviators and wireless telecommunications network.

Sec. 533. Ramp Worker Safety Call to Action.

This section directs the FAA Administrator to initiate a Call to Action to bring stakeholders together to share best practices and implement actions to address airport ramp worker safety.

Sec. 534. Safety Data Analysis for Aircraft Without Transponders.

This section directs the FAA Administrator, in coordination with the NTSB Chairman, to collect and analyze data relating to accidents and incidents involving aircraft exempt from air traffic control transponder and altitude reporting equipment and use require-

ments. It also directs the FAA Administrator, if appropriate, to develop recommendations on how to reduce the number of incidents and accidents associated with such aircraft.

Sec. 535. Crash-Resistant Fuel Systems in Rotorcraft.

This section directs the FAA Administrator to task the Aviation Rulemaking Advisory Committee (ARAC) to review and update the 2018 report of the Rotorcraft Occupation Protection Working Group by reviewing NTSB data from 2016–2023 on post-crash fires in helicopter accidents and determining to what extent crash-resistant fuel systems could have prevented fatalities.

In addition, the ARAC shall develop recommendations to encourage helicopter owners and operators to expedite installation of crash-resistant fuel systems regardless of original certification and manufacture date, and requires the FAA to implement recommendations or work with the United States Helicopter Safety Team, as appropriate, to implement recommendations.

Sec. 536. Reducing Turbulence on Part 121 Aircraft Operations.

This section directs the FAA Administrator to review and implement, as appropriate, the recommendations by the Chair of the NTSB in the “Preventing Turbulence-Related Injuries in Air Carrier Operations Conducted Under Title 14 Code of Federal Regulations Part 121” report issued on August 10, 2021.

This section also mandates the FAA Administrator submit to the appropriate Committees of Congress a report detailing the status of the recommendations made in the safety report. If the FAA Administrator does not implement any of the recommendations made in the safety report, the report to Congress shall contain a description of why such recommendations were not implemented.

Sec. 537. Study on Radiation Exposure.

This section directs the FAA Administrator to enter into an agreement with the National Academies to conduct a study on radiation exposure onboard various aircraft types operated under Part 121 of title 14, Code of Federal Regulations. The section requires a report to Congress with recommendations.

Sec. 538. Deterring Crewmember Interference.

This section directs the FAA Administrator to convene a task force to develop standards and best practices relating to suspected violations in interference with cabin or flight crew, security screening personnel, or flight attendants. The task force convened under this section shall be comprised of air carriers, airport sponsors and airport law enforcement agencies, and labor organizations representing air carrier pilots, flight attendants, and customer service representatives employed by air carriers.

This section also requires the FAA Administrator to take such actions necessary to brief passengers before takeoff that it is against Federal law to assault or threaten to assault any individuals onboard an aircraft or interfere with duties of a crewmember.

Sec. 539. Cabin Temperature Standards.

This section directs the FAA Administrator to review existing standards produced by industry standards organizations on safe

cabin air temperature and assess their validity. If the FAA Administrator determines there is not an appropriate standard to determine unsafe temperatures onboard aircraft, the FAA Administrator may enter into an agreement with the National Academies to conduct a study and provide recommendations to address unsafe cabin temperatures.

Sec. 540. Cabin Air Quality.

This section directs the FAA Administrator to develop a standardized system for flight attendants, pilots, and aircraft maintenance technicians of air carriers to voluntarily report fume events onboard passenger-carrying aircraft.

This section further requires the FAA Administrator to enter into an agreement with the National Academies to study and issue recommendations pertaining to cabin air quality and any risk of, and potential for, persistent and accidental fume events.

Sec. 541. Evacuation Standards for Transport Category Airplanes.

This section requires the FAA Administrator to task the ARAC with reviewing and proposing updates to the evacuation requirements for commercial aircraft and requires the Administrator to issue a final rule not later than 18 months after the date of enactment based on the recommendations provided by the ARAC.

Sec. 542. Lithium-Ion Powered Wheelchairs.

This section requires the DOT Secretary to task the Air Carrier Access Act Advisory Committee, in consultation with the Administrator of the Pipeline and Hazardous Materials Safety Administration (PHMSA), to conduct a review of regulations, standards and air carrier policies regarding lithium-ion battery powered wheelchairs and mobility aids. The Committee will provide recommendations to the DOT Secretary to ensure the safe transport of such wheelchairs and mobility aids in aviation. Furthermore, this section also requires the DOT Secretary to notify an air carrier if they do not have a policy pertaining to lithium-ion battery powered wheelchairs and mobility aids in effect.

Sec. 543. National Simulator Program Policies and Guidance.

This section directs the FAA Administrator to review relevant policies and guidance (including all advisory circulars, information bulletins, and directives) pertaining to the National Simulator Program. In conducting the review, the FAA Administrator should consult with representatives of air carriers, flight schools, training centers, and manufacturers and suppliers of flight simulation training devices.

Following the completion of the review, the Administrator shall update, at a minimum, the following advisory circulars: Advisory Circular 120-40B, Advisory Circular 120-45A, Advisory Circular 120-50A, and Advisory Circular 120-63, each of which was issued in the 1990s.

Sec. 544. GAO Study on the FAA's National Simulator Program.

This section directs the Comptroller General to study the FAA's National Simulator Program to assess how the program accounts for advancements in technologies pertaining to flight training sim-

ulators, the workforce of the Administration tasked with carrying out and supporting the program, and how the program engages with relevant aviation stakeholders. Not later than 18 months after the enactment of this Act, GAO shall submit a report to Congress on its findings.

Sec. 545. GAO Study on FAA Alignment with Best Available Technologies and Standards.

This section tasks Comptroller General to conduct a study on the incorporation of best available technologies into the FAA to increase aviation safety and improve the health and safety of aviation workers. The study shall examine the degree to which the FAA Administrator is enabling the use of technologies used by other air navigation service providers to meet ICAO standards and identify any barriers to the adoption of such technologies.

Sec. 546. Advanced Simulation Training.

This section allows a person applying for an airline transport pilot (ATP) certificate to obtain up to 150 additional hours of the total aeronautical experience requirement in a full flight simulator representing an airplane that provides six-degrees of freedom motion. To be eligible to obtain the additional 150 hours, a person must have completed the hours as part of a FAA approved training course and outside of a restricted-ATP pathway.

This section requires the FAA Administrator to issue a final rule within two years to update the appropriate regulations to reflect changes made by this section. The FAA Administrator is required to consult with the Air Carrier Training Aviation Rulemaking Committee in developing the required rulemaking and in evaluating whether the additional 150 hours may be accrued in a full flight simulator that provides three-degrees of freedom of motion.

Sec. 547. Incremental Safety Improvement.

This section allows the FAA Administrator to consider and approve incremental aircraft design change requests when such a change would improve safety and does not address all non-compliant conditions. This section also specifically enumerates that such changes do not alleviate a certificate holder from addressing all non-compliances.

SUBTITLE B—AVIATION CYBERSECURITY

Sec. 571. Findings.

This section declares the findings of Congress that the FAA is tasked with the responsibility of regulating the protection against cyber threats that affect aviation safety and the safe, secure, and efficient operation of air navigation services and airspace management.

Sec. 572. Aerospace Product Safety.

This section prescribes that the FAA Administrator is responsible for prescribing regulations and minimum standards for cybersecurity in air commerce. It further provides that the FAA Administrator, in consultation with other agencies, shall have the exclu-

sive rulemaking authority to prescribe regulations for purposes of assuring the cybersecurity of aircraft and related components.

Sec. 573. Federal Aviation Administration Regulations, Policy, and Guidance.

This section directs the FAA Administrator to establish a cybersecurity threat management process to protect the national airspace system from cyber incidents. In establishing such a process, the Administrator will monitor, track, and evaluate the national airspace system cyber environment for cyber incidents to respond to such incidents, as appropriate.

Sec. 574. Civil Aviation Cybersecurity Rulemaking Committee.

This section directs the FAA Administrator to conduct rulemaking proceedings to establish civil aviation cybersecurity standards. In working towards such proceedings, the Administrator will establish an aviation rulemaking committee to develop recommendations on civil aviation cybersecurity standards.

TITLE VI: AEROSPACE INNOVATION

SUBTITLE A—UNMANNED AIRCRAFT SYSTEMS

Sec. 601. Definitions.

This section further defines an actively tethered unmanned aircraft system (UAS) to require that such systems maintain safe flight in the event of a power or flight control failure while in-flight, while also requiring such systems be programmed to initiate a controlled landing in the event the tether of an actively tethered unmanned aircraft system separates from the unmanned aircraft component of such system.

Sec. 602. Unmanned Aircraft System Test Ranges.

This section directs the FAA Administrator to carry out a program for testing and evaluation activities at unmanned aircraft system test ranges in furtherance of the safe integration of UAS into the national airspace system.

This section allows the FAA Administrator to establish non-regulatory special use airspace areas, similar to military operations areas and alert areas, to separate and segregate certain unmanned aircraft system testing and evaluation activities from instrument flight rules traffic and to identify for visual flight rules traffic locations where such activities are conducted.

This section also directs the FAA Administrator to use the UAS test ranges, as necessary, for testing and evaluation of counter-UAS systems and solutions.

Sec. 603. Unmanned Aircraft in the Arctic.

This section expands the permitted use of UAS operations in the Arctic to include unmanned aircraft that are 55 pounds or greater.

Sec. 604. Public Safety Use of Tethered UAS.

This section expands the statutory requirements of operating a public actively tethered UAS to non-governmental public safety organizations carrying out public safety operations with actively teth-

ered UAS. This section further clarifies that actively tethered UAS operations shall not be operated greater than 150 feet above ground level, unless granted prior authorization from the FAA Administrator.

Sec. 605. Special Authority for Unmanned Aircraft Systems.

This section transfers the special authority granted under section 44807 of title 49, United States Code, from the DOT Secretary to the FAA Administrator. Further, this section directs the Administrator to determine how UAS may operate safely in the national airspace system using a risk-based approach in making such determinations.

This section requires the FAA Administrator to establish requirements for UAS that may operate safely in the national airspace system, as determined under this section. In establishing such requirements, this section directs the FAA Administrator to take into consideration mitigation measures used by such systems while operating exclusively within the airspace of a Mode C Veil.

This section also explicitly limits its applicability to UAS that do not have established regulations applicable to a proposed operation of such systems.

Sec. 606. Recreational Operations of Drone Systems.

This section permits the FAA Administrator to authorize recreational unmanned aircraft to fly above 400 feet within Class G airspace at fixed sites. This section also directs the FAA Administrator to prioritize FAA Recognized Identification Area (FRIA) requests submitted for fixed sites.

Sec. 607. Airport Safety and Airspace Hazard Mitigation and Enforcement.

This section extends authorities of the FAA's Airport Safety and Airspace Hazard Mitigation and Enforcement program, which was established under sec. 383 of the *FAA Reauthorization Act of 2018*, from 2023 to 2028.

Sec. 608. Applications for Designation.

This section removes the requirement for the FAA Administrator to consider locations that may warrant prohibitions or restrictions of UAS operations in close proximity to a fixed site facility.

This section expands sites to be considered under this section to state correctional facilities and eligible outdoor gatherings. Lastly, this section requires the FAA Administrator to publish a NPRM related to the section by March 1, 2024, with the requirement to publish a final rule no later than 16 months after the NPRM.

The Committee expects the FAA to leverage existing TFR processes to restrict flights over eligible outdoor gatherings. It is not the Committee's expectation that the Agency's existing rulemaking efforts be expanded to consider eligible outdoor gatherings.

Sec. 609. Beyond Visual Line of Sight Rulemaking.

This section mandates the FAA Administrator to issue at least one NPRM no later than four months after the date of enactment of this Act, with at least one final rule no later than 16 months after the date of enactment of this Act, for UAS to operate beyond

visual line-of-sight (BVLOS) and primarily at or below 400 feet above ground level. The rulemakings require the FAA to address airworthiness standards for unmanned aircraft, standards for associated elements of such aircraft, and how remote pilots of such aircraft will be qualified to operate such UAS. Additionally, this section enables the FAA Administrator to ensure the compliance of such standards and qualifications through the use of third-party compliance services.

Further, this section requires the FAA Administrator to enable UAS operations for agricultural purposes under a rulemaking, along with the establishment of protocols for networked information exchange, including network-based remote identification for BVLOS operations.

Until the FAA Administrator publishes the final rulemaking required under this section, the Administrator is directed to use the authorities granted section 44807 of title 49, United States Code, to authorize BVLOS UAS operations.

Sec. 610. UAS Traffic Management.

This section allows the FAA Administrator to enter into agreements for UAS stakeholders to provide unmanned aircraft system traffic management (UTM) capabilities or services for advanced UAS operations, including BVLOS operations, one-to-many operations, and aircraft-to-aircraft communications. This section also directs the FAA Administrator to establish and publish UTM standards. Furthermore, the section directs the FAA Administrator to brief Congress on the implementation of the requirements under this section.

Sec. 611. Radar Data Pilot Program.

This section directs the Administrator, in coordination with the DOD Secretary and other relevant Federal agencies, to establish a pilot program to make airspace data feeds containing classified or controlled unclassified information available to qualified users. In this section a qualified user means an entity authorized to receive airspace data feeds containing classified or controlled unclassified information). This section sunsets on October 1, 2028. Furthermore, the section directs the FAA Administrator to brief Congress on the pilot program.

Sec. 612. Electronic Conspicuity Study.

This section directs the Comptroller General to study technologies and methods for UAS to detect and avoid manned aircraft that may lawfully operate below 500 feet above ground level. The study requires the Comptroller General to consult with aviation stakeholder representatives, and to report to Congress on the findings of such study.

Sec. 613. Remote Identification Alternative Means of Compliance.

This section directs the FAA Administrator to review and evaluate the final rule titled "Remote Identification of Unmanned Aircraft" issued on January 15, 2021. In reviewing the final rule, the FAA Administrator shall determine the feasibility and advisability of whether UAS manufacturers and operators can meet the intent

of the final rule through alternative means of compliance, including network-based remote identification.

Sec. 614. Part 107 Waiver Improvements.

This section directs the FAA Administrator to use a performance- and risk-based approach in reviewing waiver requests under part 107 of title 14, Code of Federal Regulations. In reviewing waiver requests submitted under part 107, the FAA Administrator is directed to improve the review process, to include not requiring the use of open-ended prompts for requesters to complete where waiver request factors and variables can be standardized. The only time open-ended prompts may be required is for unusual or irregular operations.

This section also requires the FAA Administrator to recognize the safety enhancements of controlled access to property over which an unmanned aircraft flies in assessing whether to approve a waiver.

Additionally, this section directs the FAA Administrator to publish all certificates of waiver and to consider the precedential value of previously approved waivers under part 107 in assessing and approving subsequent waiver requests.

Sec. 615. Acceptable Levels of Risk and Risk Assessment Methodology.

This section requires the FAA Administrator to establish acceptable levels of risk, and a risk assessment methodology for such levels of risk, to be used in conducting UAS operations. The risk assessment methodology will be used to assist remote pilots in mitigating risk for specific operations and should consider when, where, and how the operation will take place, to include consideration of the nature of detect and avoid mitigation measures.

Sec. 616. Environmental Review.

This section requires the FAA Administrator to publish environmental review guidance specific to UAS and their operations. The purpose of this guidance is to streamline the assessments of required environmental reviews at a programmatic level, including conducting such assessments in tandem with other required reviews associated with UAS operations.

This section also requires the FAA Administrator to establish criteria and standards metrics for determinations around an unmanned aircraft's airworthiness in conjunction with part 36 in title 14, Code of Federal Regulations, including definitive standards for any potential noise impacts and visual impacts related to UAS operations. This section also grants the FAA Administrator relief from the requirement to conduct noise certification for UAS prior to the development of criteria and standards.

Sec. 617. Carriage of Hazardous Materials.

This section directs the FAA Administrator, in coordination with the PHMSA Administrator, to revise processes and put in place special conditions or waivers in operational approvals to allow for the carriage of certain hazardous materials by UAS weighing less than 100 pounds and carrying less than 10 pounds gross weight of limited quantity cargo.

This section also directs the DOT Secretary to revise requirements, guidance, and regulations to allow for the carriage of a de minimis amount of hazardous materials. The Secretary must consider if the hazardous materials are a consumer commodity, whether the materials pose an unreasonable risk to health, safety, or property, and the altitude at which the operations are conducted.

The DOT Secretary must also establish a process by which an individual can petition the Secretary to establish or revise a de minimis amount of hazardous materials.

Sec. 618. Unmanned Aircraft System Use in Wildfire Response.

This section directs the FAA Administrator, in coordination with the United States Forest Service, other Federal agencies and Federal contractors, to develop a plan on the use of UAS by public entities in wildfire response efforts, including wildfire detection, mitigation, and suppression.

The plan, under this section, shall designate areas with a high potential for wildfires where unmanned aircraft systems may operate BVLOS in fire detection, mitigation, and suppression efforts. In addition, the plan shall include a process to facilitate the safe and efficient operation of UAS in wildfire response. The plan, developed under this section, shall be submitted to Congress, and published on a publicly available website of the FAA.

Lastly, this section directs the FAA Administrator to enter into an agreement to provide a liaison to the National Interagency Fire Center to facilitate unmanned aircraft systems wildfire response.

Sec. 619. Pilot Program for UAS Inspections of FAA Infrastructure.

This section requires the DOT Secretary to initiate a pilot program to supplement DOT oversight and inspection activities with UAS, including the inspection of ground-based aviation infrastructure, to increase employee safety, enhance data collection, improve the accuracy of inspections, and reduce the costs associated with such inspections.

Upon the conclusion of the pilot program, the DOT Secretary is required to assess the results of the program and incorporate any benefits of using UAS into DOT's routine activities, to include such activities related to the regular inspection of ground-based aviation infrastructure.

Sec. 620. Drone Infrastructure Inspection Grant Program.

This bill establishes a \$50 million DOT grant program to support the use of drones when inspecting, repairing, or constructing critical infrastructure. Under this program, the DOT Secretary must award grants to state, tribal, and local governments; metropolitan planning organizations; or groups of those entities to purchase and use drones to increase efficiency, reduce costs, improve worker and community safety, reduce carbon emissions, or meet other priorities related to critical infrastructure projects through the use of drones. Grant recipients must use domestically manufactured drones that are made by companies not subject to influence or control from certain foreign entities, including China and Russia.

Sec. 621. Drone Education and Workforce Training Grant Program.

This section directs the DOT Secretary to establish a \$50 million drone education and training program to make grants available to eligible educational institutions for training on eligible small UAS technology.

Sec. 622. Drone Workforce Training Program Study.

This section tasks the Comptroller General to study the effectiveness of the Collegiate Training Initiative Program for Unmanned Aircraft Systems established in the *FAA Reauthorization Act of 2018*. The Comptroller General shall submit a report to Congress detailing the findings of such study and any recommendations to improve and expand the Collegiate Training Initiative Program for Unmanned Aircraft Systems.

Sec. 623. UAS Integration Office.

This section clarifies the authorities of the Executive Director of the UAS Integration Office of the FAA to facilitate matters related to UAS within the Administration and to provide recommendations to lines of business within the Administration, as necessary.

Sec. 624. Termination of Advanced Aviation Advisory Committee.

This section terminates the Advanced Aviation Advisory Committee.

Sec. 625. Unmanned and Autonomous Flight Advisory Committee.

This section requires the FAA Administrator to establish the Unmanned and Autonomous Flight Advisory Committee. The Unmanned and Autonomous Flight Advisory Committee will assist with advising the FAA Administrator on the technical challenges related to the certification and operational standards of highly automated aircraft among other related technical matters. This new committee will be made up of representatives from the UAS industry, community advocates, and certified aviation labor unions. The Committee must submit an annual report to Congress on its activities.

Sec. 626. NextGen Advisory Committee Membership Expansion.

This section expands the membership of the NextGen Advisory Committee to include a representative from both the UAS and powered-lift industries.

Sec. 627. Temporary Flight Restriction Integrity.

This section adds additional requirements the FAA Administrator must ensure when issuing a temporary flight restriction (TFR). When issuing a TFR, the FAA Administrator shall ensure there is a specific and articulable safety or security basis for the size and duration of the restriction. Upon granting such a restriction, the FAA Administrator shall immediately distribute such restriction to aircraft operators through the Notice to Air Mission (NOTAM) system. Such notice shall include the basis for the restriction and how a covered person may operate lawfully within such restriction.

Sec. 628. Interagency Coordination.

This section includes a sense of Congress that the joint DOD—FAA UAS Executive Committee (ExCom) has exceeded the scope of activities and membership of the original intent and taskings. These expansions have resulted in an imbalance in the oversight of certain Federal entities in matters concerning civil aviation safety and security.

This section also directs the FAA Administrator to revise the charter of the ExCom to ultimately achieve the routine access of DOD UAS into the National airspace system, and seek to sunset the ExCom, in coordination with the DOD Secretary, no earlier than two years after the date of enactment.

Sec. 629. Review of Regulations to Enable Unescorted UAS Operations.

This section directs the FAA Administrator, in coordination with the DOD Secretary, to conduct a review of requirements necessary to permit UAS operated by a Federal agency or an armed service to operate in the National airspace system without the need for an escort by a manned aircraft.

Sec. 630. UAS Operations over High Seas.

This section clarifies that UAS operations that begin and end within the United States or territorial waters of the United States shall not be considered international flight, even if a flight enters airspace over international waters.

Sec. 631. Beyond BEYOND.

This section directs the FAA Administrator to extend the existing BEYOND program, and no later than two years after the end date of the program's extension, the FAA Administrator is required to expand the BEYOND program to enable testing of other new and emerging aviation concepts and technologies, including concepts and technologies unrelated to UAS, to ultimately inform policies, rulemaking, and guidance needed to enable these new concepts and technologies.

Sec. 632. UAS Integration Strategy.

This section directs the FAA Administrator to implement the recommendations made by GAO to the DOT Secretary in a report titled "Drones: FAA should Improve its Approach to Integrating Drones into the National Airspace System" issued in January of 2023. The recommendations call for the development of a comprehensive drone integration strategy and for the FAA to develop ways to more clearly communicate with drone operators.

In addition, the FAA Administrator shall also implement the recommendation made by the DOT OIG contained in the audit report titled "FAA Made Progress Through Its UAS Integration Pilot Program, but FAA and Industry Challenges Remain to Achieve Full UAS Integration" issued in April of 2022. Among its recommendations, the DOT OIG calls for the agency to establish goals, milestones, and performance measures for the BEYOND program.

The FAA Administrator is required to brief the appropriate committees of Congress on the status of such implementation annually.

Sec. 633. Authorization of Appropriations for Know Before You Fly Campaign.

This section authorizes \$1,000,000 for each of the fiscal years 2024 through 2028 for the educational campaign Know Before You Fly. This campaign is intended to broaden the public awareness of unmanned aircraft systems.

Sec. 634. Public Aircraft Definition.

This section broadens the definition of a public aircraft to include aviation systems undergoing testing and evaluations at an FAA-authorized UAS test range, infrastructure inspections, or any other activity undertaken by a government entity that the FAA Administrator determines is inherently governmental.

SUBTITLE B—ADVANCED AIR MOBILITY

Sec. 651. Definition.

This section defines “powered-lift aircraft.”

Sec. 652. Powered-Lift Aircraft Rulemakings.

This section requires the FAA to publish a final interim regulation for the operations of powered-lift aircraft by the beginning of 2025. It is the expectation of the Committee that in finalizing such rules, the FAA will provide a feasible paradigm for powered-lift aircraft the FAA is in the process of certifying.

Additionally, this section requires that the FAA initiate additional rulemaking within five years, providing permanent performance-based regulations for the certification and commercial operations of powered lift aircraft.

If the FAA fails to meet the timeline for the publication of an interim regulation, this section sets out specific operating and training rules in order to provide the powered-lift industry a means by which to operate and train personnel until such time as the FAA produces the required regulations.

Sec. 653. Powered-Lift Aircraft Entry into Service.

This section requires the FAA to provide short-term and long-term solutions for the safe integration of powered-lift aircraft into the national airspace, including controlled airspace. This section also requires that the FAA evaluate the impact of such operations on air traffic controllers and the use of other tools to support ATC.

Sec. 654. Sense of Congress on the Preparation for the Entry into Service of Powered-Lift Aircraft.

This section expresses the sense of Congress that the FAA should work with powered-lift aircraft manufacturers and operators and other relevant stakeholders to prepare draft manuals, pilot training programs, and operational documents required to enter service in a timely manner.

Sec. 655. Infrastructure Supporting Vertical Flight.

This section requires the FAA to update the definitions in regulation to include vertiports as a subclass of heliports, include vertiport guidance into their Heliport Design Advisory Circular, and sunset the FAA’s Vertiport Engineering Brief once the Heliport

Design Advisory Circular is updated. Lastly, this section requires that the FAA provide Airport District Offices with adequate guidance to support the development of vertiports, update relevant forms, and consider powered-lift operations in operational forecasts.

Sec. 656. Charting of Aviation Infrastructure.

This section instructs the FAA to continue to improve the accuracy of the Airport Master Record database and improve the process by which the operators of private and public aviation infrastructure can update database.

Sec. 657. Advanced Air Mobility Working Group.

This section extends the inter-departmental working group established through the *Advanced Air Mobility Coordination and Leadership Act* by six months and clarifies the intended scope of such working group to cover urban and regional air mobility.

This section also makes technical corrections, definitional edits, and expands the future uses of the working group if determined valuable by the Secretary.

Sec. 658. Advanced Air Mobility Infrastructure Pilot Program Extension.

This section amends the Advanced Air Mobility Infrastructure Pilot Program established in the *Consolidated Appropriations Act of 2023* to conform definitions with Sec. 657 of this Act. This section also clarifies that the consideration of the use of existing infrastructure in concert with new infrastructure is eligible under the grant program.

Lastly, this section expands the information collected by the DOT Secretary under the pilot program and extends the program for two years, through 2026.

SUBTITLE C—OTHER PROVISIONS

Sec. 681. Report on National Spaceports Policy.

This section extends the report established under section 580(c)(3) of the *FAA Reauthorization Act of 2018* until 2028.

Sec. 682. Intermodal Transportation Infrastructure Improvement Pilot Program.

This section establishes a \$20 million pilot grant program with a dollar-for-dollar match to support launch and reentry sites for commercial space transportation.

Sec. 683. Airspace Access for High-Speed Aircraft.

This section gives the FAA Administrator the authority to establish high speed testing corridors and to ensure there is a process in which manufacturers and operators of high-speed aircraft can engage in flight testing of such high-speed aircraft.

This section requires the FAA Administrator, in coordination with the appropriate agencies, to conduct a study to assess necessary actions to facilitate the integration and operation of high-speed aircraft into the national airspace system. In addition, this section requires the Administrator to study how high-speed aircraft may be able to conduct operations above the upper boundary of

Class A airspace in a manner that limits aircraft noise levels at ground level. Not later than two years after the completion of the study, the FAA Administrator shall issue an NPRM in the Federal Register to permit flight operations with speeds above Mach 1 at or above the altitude identified in the study under this section.

The Committee expects that as the FAA studies the integration of hypersonic aircraft into the National Airspace System that the FAA Administrator will consult with a variety of stakeholders, including industry, labor, and air traffic control.

Sec. 684. ICAO Activities on New Technologies.

This section directs the FAA Administrator to prioritize engagement with ICAO to improve aviation safety and support the entry-into-service of new forms of aviation.

This section further directs the FAA Administrator to contribute to or lead ICAO efforts with respect to the development of landing and take-off noise standards for supersonic aircraft.

Sec. 685. AIP Eligibility for Certain Spaceport Infrastructure.

This section allows for airports that are also spaceports to use AIP funds to repave the entire length and width of their runway if there is a commercial space transportation need for such size.

Sec. 686. Commercial Space Transportation Statistics.

This section directs the DOT Secretary to collect and disseminate information on commercial space transportation operations.

Sec. 687. Report on Certain Infrastructure Needs.

This section requires the DOT Secretary to submit a report on the infrastructure needs at launch sites in rural communities to Congress.

Sec. 688. Airspace Integration for Space Launch and Reentry.

This section states that it is the sense of Congress that: (1) the safe and efficient use of the national airspace system is of the utmost importance; (2) commercial aviation and space launch and reentry operations are vital to the United States global leadership, economy, and national security; (3) aircraft hazard areas are necessary during space launch (and re-entry) operations to ensure public safety; and (4) the FAA Administrator of the FAA should prioritize the development and deployment of technologies that improve the visibility of space launch operations and minimize the workload of air traffic controllers charged with routing air traffic during such operations.

This section authorizes \$10 million dollars for each of fiscal years 2024–2028 to expedite the development of technologies that would assist with achieving operational readiness no later than December 31, 2026.

TITLE VII: PASSENGER EXPERIENCE IMPROVEMENTS

SUBTITLE A—GENERAL PROVISIONS

Sec. 701. Advertisements and Solicitations for Passenger Air Transportation.

This section declares that it shall not be an unfair or deceptive practice for an air carrier, foreign air carrier, ticket agent, or other person offering to sell tickets for passenger air transportation or a tour, or tour component, to clearly and separately disclose government-imposed taxes and fees associated with the air transportation from the total cost of the air transportation when advertising or soliciting the base air fare. The section also clarifies that nothing in this section shall be construed to limit the DOT Secretary's ability to regulate the disclosure of air carrier-imposed fees.

Section 702. Modernization of Consumer Complaint Submissions.

This section modernizes the air travel consumer complaint process within the DOT by requiring the DOT Secretary to maintain a website to accept such consumer complaint submissions. Furthermore, it requires air carriers to provide DOT consumer complaint submission information on their websites.

Sec. 703. Codification of Consumer Protection Provisions.

This section codifies sections 429 and 434 of the *FAA Reauthorization Act of 2018* into chapter 417 of title 49, United States Code with regards to passenger rights and airline passengers with disabilities bill of rights.

Sec. 704. Extension of Aviation Consumer Protection Advisory Committee.

This section extends the authorization of the Aviation Consumer Protection Advisory Committee at the DOT and adds "ticket agents and travel management companies" to the Committee.

Sec. 705. Removal of Outdated References to Passengers with Disabilities.

This section removes outdated references to passengers with disabilities in title 49 of United States Code.

Sec. 706. Extension of Aviation Consumer Advocate Reporting Requirement.

This section extends the requirement of the Aviation Consumer Advocate at the DOT to submit an annual report to Congress on complaints to, and recommendations of, the Aviation Consumer Advocate.

Sec. 707. Air Carrier Access Act Advisory Committee.

This section reauthorizes the Air Carrier Access Act Advisory Committee and includes manufacturers of wheelchairs (including powered wheelchairs), and other mobility aids as a member of such Committee.

Sec. 708. Passenger Experience Advisory Committee.

This section establishes the Passenger Experience Advisory Committee within the DOT to advise the DOT Secretary and the FAA Administrator in carrying out activities relating to the improvement of the comprehensive passenger experience in air transportation customer service.

Sec. 709. Streamlining of Offline Ticket Disclosures.

This section directs the DOT Secretary to take such actions that may be necessary to update the process by which an air carrier or ticket agent is required to fulfill disclosure obligations in ticketing transactions for air transportation not completed through a website.

Sec. 710. Ticket Agent Refund Obligations.

This section requires the DOT Secretary to clarify that a ticket agent shall provide a refund to a passenger only if the ticket agent possesses or has access to the funds of such passenger.

Sec. 711. Updating Passenger Information Requirement Regulations.

This section tasks the Aviation Rulemaking Advisory Committee at the FAA with reviewing regulations relating to passenger information requirements for scheduled air carriers and allows the Committee to make recommendations to update and improve such regulations. Furthermore, this section requires the FAA Administrator to issue a final rule six years following the date of enactment of this Act revising passenger information requirements for scheduled air carriers.

Sec. 712. Mobility Aids on Board Improve Lives and Empower All.

This section requires air carriers to publish on their website relevant dimensions and other characteristics of the cargo holds of all aircraft types operated by the air carrier, while also allowing air carriers to protect the confidentiality of any trade secret or proprietary information submitted.

This section also directs the DOT Secretary to require air carriers to provide a refund to individuals with disabilities who purchase a ticket to fly on a carrier but cannot travel because the wheelchair of the individual cannot physically be accommodated in the cargo hold of the aircraft and directs the DOT Secretary to annually evaluate data regarding the mishandling of wheelchairs on aircraft.

Additionally, this section requires the DOT Secretary to develop a strategic plan to test and evaluate wheelchairs in accordance with applicable FAA crashworthiness and safety performance standards. Furthermore, it requires the DOT Secretary to sponsor studies to assess the likely demand for air travel by individuals with disabilities if they could remain seated in personal wheelchairs during flight. Finally, if determined to be technically feasible, the DOT Secretary shall commence a study to assess the economic and financial feasibility of air carrier and foreign air carriers implementing seating arrangements that accommodate passengers with wheelchairs in the main cabin during flight.

Sec. 713. Prioritizing Accountability and Accessibility for Aviation Consumers.

This section requires the DOT Secretary to provide an annual report on the disability-related aviation consumer complaints filed with the DOT.

Sec. 714. Aircraft Accessibility.

This section directs the DOT Secretary to study and evaluate improvements to transport category aircraft accessibility and provide the results of the study and evaluation, along with recommendations to address the findings, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate.

Sec. 715. Accessibility of Websites, Software Applications, and Kiosks for Individuals with Disabilities.

This section requires the DOT Secretary, in consultation with the United States Architectural and Transportation Barriers Compliance Board (also known as the Access Board), to prescribe regulations setting forth minimum standards to ensure that individuals with disabilities are able to access kiosks, software applications, and websites in a manner that is equally as effective as individuals without disabilities.

Sec. 716. Review of Methods to Report Flight Delay and Cancellation Statistics.

This section requires the DOT Secretary, in consultation with the FAA Administrator, to conduct a review of the means of reporting flight delay and cancellation statistics to the DOT Secretary. The DOT Secretary is required to coordinate and collaborate with air carriers when conducting such review.

Sec. 717. Reimbursement for Incurred Costs.

This section requires the DOT Secretary to direct airlines providing scheduled passenger service to establish policies regarding reimbursement for lodging, transportation between such lodging and the airport, and meal costs incurred due to a flight cancellation or significant delay directly attributable to the air carrier.

Sec. 718. Airline Operational Resiliency Plans.

This section directs the DOT Secretary to require a covered air carrier to develop and regularly update an operational resiliency strategy to prevent or limit the impact of future flight disruptions on passengers.

Sec. 719. Family Seating.

This section directs the DOT Secretary to issue an NPRM to establish a policy directing air carriers that assign seats, or allow individuals to select seats in advance of the date of departure of a flight, to sit each child who has not attained the age of 14 years, adjacent to an accompanying adult at no additional cost beyond the ticket price. This section also does not allow the DOT Secretary to impose a change in the overall seating or boarding policy of an air carrier that has an open or flexible seating policy in place that generally allows adjacent family seating.

Sec. 720. Seat Dimensions.

This section directs the FAA Administrator to initiate a rulemaking on minimum dimensions for passenger seat sizes. If the FAA Administrator determines a rulemaking is not necessary, they shall brief the appropriate committees of Congress on such decision.

Sec. 721. Improved Training Standards for Assisting Passengers Who Use Wheelchairs.

This section directs the DOT Secretary to issue an NPRM to develop minimum training standards for airline personnel and contractors who assist passengers with disabilities using wheelchairs with boarding or deplaning a commercial flight. Airline personnel required to complete the training must do so within 18 months and be recertified every 18 months. In addition, airline personnel must be able to demonstrate the following skills: safely using the aisle chair or other boarding devices, assist in transferring a passenger to and from their wheelchair, and the ability to effectively communicate and take instructions from the passenger.

This section also requires the DOT Secretary, in producing such a rule, to consider whether air carriers and foreign air carriers should partner with national disability organizations and/or disabled veterans' organizations. In addition, the DOT Secretary shall consider if such personnel should receive training from medical professionals on lifting disabled passengers.

Lastly, this section directs the DOT Secretary to issue a final rulemaking not later than 12 months after enactment and gives the DOT Secretary the ability to assess civil penalties in cases where air carriers and foreign air carriers fail to meet the requirements.

Sec. 722. Training Standards for Stowage of Wheelchairs and Scooters.

This section directs the DOT Secretary to issue an NPRM not later than six months after the date of enactment of this Act. The rulemaking shall develop minimum standards for the stowage of scooters and wheelchairs used by passengers with disabilities. The standards developed under this section shall apply to airline personnel and contractors who stow scooters and wheelchairs onboard a commercial flight.

Airline personnel and contractors who stow scooters and wheelchairs must complete training within 18 months and be recertified every 18 months. In addition to the training course, airline personnel and contractors must demonstrate the ability to properly handle and configure wheelchairs and scooters on each aircraft type operated by the air carrier, properly review wheelchair or scooter information provided by the passenger or manufacturer, and properly load, secure, and unload wheelchairs and scooters (including how to use any specialized equipment).

This section also requires the DOT Secretary, in producing such a rule, to consider whether air carriers and foreign air carriers ought to partner with national disability organizations and/or disabled veterans' organizations, wheelchair manufacturers, and aircraft manufacturers in developing such training.

Lastly, this section directs the DOT Secretary to issue a final rulemaking not later than 12 months after enactment and gives the Secretary the ability to assess civil penalties in cases where air carriers and foreign air carriers fail to meet the requirements.

Sec. 723. Investigation of Complaints.

This section directs the DOT Secretary to investigate complaints of discrimination against individuals with disabilities within 120 days of receiving such complaint. In addition, the DOT Secretary shall provide (in writing) to the individual who filed the complaint, and the air carrier alleged to have made the discrimination, the facts underlying the complaint and any action the DOT Secretary is taking in response to the investigation.

Sec. 724. Standards.

This section requires the DOT Secretary, not later than one year after the date of enactment of this Act, to initiate a rulemaking process regarding standards to ensure the aircraft boarding and deplaning process is accessible, in terms of design for, transportation of, and communication with, individuals with disabilities and requires the DOT Secretary to issue a final rule regarding such standards. This section also requires the DOT Secretary to issue an NPRM, not later than one year after the date of enactment of this Act, on accessible in-flight entertainment.

Additionally, this section requires the DOT Secretary to conduct a negotiated rulemaking on newly type certificated aircraft standards for seating arrangements to accommodate individuals with disabilities using wheelchairs (among other provisions), contingent on if the feasibility study required by section 712(d)(3) of this Act finds economic and financial feasibility of air carriers and foreign air carriers implementing seating arrangements that accommodate individuals with disabilities using wheelchairs. Furthermore, after the completion of the negotiated rulemaking, this section requires the DOT Secretary to issue an NPRM followed by a final rule regarding such standards.

Finally, this section requires the Air Carrier Access Act Advisory Committee to examine technical solutions and the feasibility of visually and tactilely accessible announcements on-board aircraft. This section also requires the DOT Secretary to prescribe regulations setting forth minimum standards that ensure all gates (including counters), ticketing areas, and customer service desks covered under such section at airports are accessible to and usable by all individuals with disabilities.

SUBTITLE B—AIR TRAFFIC

Sec. 741. Transfers of Air Traffic Systems Acquired with AIP.

This section allows an airport in a non-contiguous state to transfer a Medium Intensity Approach Lighting System with Runway Alignment Indicator Lights purchased with AIP funds to the FAA for operation.

Sec. 742. NextGen Programs.

This section requires the FAA Administrator to expedite the implementation of NextGen programs and capabilities. In doing so,

the FAA Administrator is directed to prioritize performance-based navigation, data communications, terminal flight data management, and aeronautical information management systems, with specific implementation due dates.

Sec. 743. Airspace Access.

This section directs the FAA Administrator of the FAA to conduct a comprehensive review of the National airspace system, including special use airspace, within three years of the Act's enactment. The FAA Administrator is also tasked with identifying methods to streamline and expedite access to certain categories of airspace for users who may not regularly have such access.

Sec. 744. Airspace Transition Completion.

This section requires the FAA to complete the transition of the Newark, New Jersey radar sector. The staffing requirements of this section are specific to the transition of the Newark, New Jersey radar sector.

Sec. 745. FAA Contract Towers.

This section requires that the FAA Administrator update its regulations, standards, and guidance on operational readiness inspections under the Contract Tower program to give airport sponsors seven years to complete these inspections if they are acting in good faith while attempting to complete these inspections.

This section also directs the FAA Administrator to authorize and enable the use of advanced technologies at Contract Towers, specifically with technology that is similar to that of FAA air traffic controllers.

This section directs the DOT Secretary to assess the existing liability limits for contract tower contractors to ultimately determine if currently established liability limits need updating.

Sec. 746. FAA Contract Tower Workforce Audit.

This section directs the DOT OIG to conduct an audit of the workforce needs for the FAA Contract Tower Program. The audit should review staffing levels, assess any potential need for an air traffic controller training program for contract tower controllers, and explore initial technical training for these controllers.

Sec. 747. Aviation Infrastructure Sustainment.

This section directs the FAA Administrator to develop performance metrics for the operations of safety-critical communication, navigation, and surveillance aviation infrastructure to determine when these types of infrastructure need to be taken out of service and replaced, as necessary.

Sec. 748. Air Traffic Control Tower Safety.

This section directs the FAA Administrator to ensure that the safety of the National airspace system and its users are the primary consideration when making determinations about the design, adoption, and construction of air traffic control towers.

Sec. 749. Air Traffic Services Data Reports.

This section extends the air traffic services biennial data reporting requirement from eight years to 14 years. This section also adds operators of commercial space transportation launch and re-entry vehicles to the segments of air traffic service users.

Sec. 750. Consideration of Small Hub Control Towers.

This section directs the FAA Administrator, when selecting projects for the replacement of Federally owned contract towers, to consider selecting projects at small hub commercial service airports with air traffic control towers that are at least 50 years old.

Sec. 751. Air Traffic Control Tower Replacement Process Report.

This section mandates that the FAA Administrator to submit a report to Congress on the process by which ATC facilities are chosen for replacement. This section also mandates that the Administrator produce and publish on the website of the Administration a list of all air traffic control tower facilities replaced within the previous 10-year period, any facilities in the process of being replaced, and any facilities under consideration for replacement.

Sec. 752. FAA Contract Tower Pilot Program.

This section tasks the FAA Administrator with establishing a pilot program to convert three high activity contract towers (under the FAA Contract Tower Program) to visual flight rule towers staffed by the Administration. When selecting facilities to participate in the pilot program, the Administrator shall prioritize towers that have had over 200,000 tower operation in calendar year 2022 or a small hub airport with more than 900,000 passenger enplanements in calendar year 2021, have control towers owned by the Administration or towers constructed to Administration standards, and operate within complex air space.

This section also tasks the FAA Administrator with appointing all air traffic controllers employed as Federal contract tower operators to the position of air traffic controller so long as they meet the qualifications established in Code and meet all other pre-employment qualifications.

SUBTITLE C—SMALL COMMUNITY AIR SERVICE

Sec. 771. Essential Air Service Reforms.

This section makes reforms to the Essential Air Service (EAS) program while ensuring the program remains committed to connecting communities. This section reduces the maximum overall per passenger subsidy cap of the program from \$1,000 to \$500, requires the DOT Secretary to consider the total cost of an air carrier's application, and applies a five percent cost share to communities not in Alaska or Hawaii that are less than 175 miles from a large or medium hub airport beginning in fiscal year 2027.

Sec. 772. Essential Air Service Authorization.

This section authorizes, out of the Airport and Airway Trust Fund, funding for the EAS program. This includes \$332 million for FY 2024, \$312 million for FY 2025, \$300 million for FY 2026, \$265 million for FY 2027 and \$252 million for FY 2028.

Sec. 773. Small Community Air Service Development Program Reform and Authorization.

This section reduces the prohibition for use of a Small Community Air Service Development Program grants for the same project from ten years to six years. Furthermore, this section allows the DOT Secretary to give priority to communities who demonstrate support from at least one air carrier to provide service. Finally, this section authorizes the Small Community Air Service Development Program at \$10 million a year through FY 2028.

Sec. 774. GAO Study on Increased Costs of Essential Air Service.

This section directs the Comptroller General to study the causes of increased costs of the EAS program.

TITLE VIII: MISCELLANEOUS

Sec. 801. Digitalization of FAA Processes.

This section requires that the FAA evaluate their programs, activities, and processes and work to digitize those that may be beneficial to external entities or internal coordination.

Sec. 802. FAA Telework.

This section puts in place requirements for FAA telework policies, requiring that telework policies be based on job functions, duties, and level of management to ensure the mission of the agency can be accomplished effectively. This section requires that telework policies cannot inhibit site visits, inspections, in-person collaboration, on-the-job training, and operations of the NAS. Lastly, this section requires the consideration of telework status and duty station when determining pay rates for employees.

Sec. 803. Review of Office Space.

This section requires the DOT Secretary to review the office footprint of the DOT to determine if it is an adequate use of resources based on the workforce, the needs of that workforce, the regions where DOT's modal administrations perform work, and general changes to how and where work is completed. This section then requires the DOT Secretary to determine where office consolidation (within a reasonable distance) within and between modes may make sense in order to more effectively utilize resources and provide amenities to personnel. This section also requires that such review consider accessibility for persons with disabilities, maintenance costs, and age and condition of such offices. This section does not include a review of operational facilities.

Sec. 804. Aircraft Weight Reduction Task Force.

This section requires the FAA Administrator to establish a task force to identify ways to safely reduce the weight of certain aircraft to reduce fuel burn. The task force will review and evaluate various factors, including: 1) regulations that may inhibit the certification of new materials, manufacturing processes, components, or technologies without decreasing safety; 2) outdated and underused elements of aircraft; 3) novel technologies and manufacturing processes; and 4) non-proprietary methods that air carriers use to decrease weight.

Sec. 805. Audit of Technical Writing Resources and Capabilities.

This section directs the DOT OIG to review the technical writing support, resources, and educational tools provided to FAA employees in order to effectively write regulations, orders, and other guidance materials, and to provide recommendations on such subject.

Sec. 806. FAA Participation in Industry Standards Organizations.

This section requires the FAA to actively participate in industry standard organizations (ISO) working on the development of aviation standards and means of compliance. This section requires that the FAA accept or decline an invitation to join a working group, subcommittee, or other body of an ISO and provide such response to the ISO and Congress. To the extent that the FAA does choose to participate, this section makes it clear that the FAA should be contributing to the development of work products and providing feedback and expertise as relevant, in addition to coordinating with and informing FAA management and other FAA subject matter experts about the status of ISO work products.

Sec. 807. Sense of Congress on Use of Voluntary Consensus Standards.

This section expresses the sense of Congress that the FAA should be following the Office of Management and Budget (OMB) Circular A-119, Federal Participation in the Development and Use of Voluntary Consensus Standards and Conformity Assessment Activities.

Sec. 808. Required Designation.

Ensures aviation rulemaking committees comprised of stakeholders can deliberate on recommendations to the FAA Administrator without undue scrutiny before publication.

Sec. 809. Sensitive Security Information.

This section would restore DOT authorities that were inadvertently repealed with the passage of the *FAA Reauthorization Act of 2018* (P.L. 115-254). This section allows the Secretary to maintain DOT's Sensitive Security Information (SSI) regulations in Section 15.5 of title 49, Code of Federal Regulations.

Section 810. Preserving Open Skies While Ensuring Fair Skies.

This section clarifies that the public interest test carried out by DOT considers the undermining of labor standards and applies it to the consideration of foreign carrier permits. This section also adds the undermining of labor standards as a consideration when formulating the negotiating policy of the United States. It is the expectation of the Committee that existing foreign air carrier permits and air transport agreements should not be materially altered or renegotiated based on this section.

Sec. 811. Commercial Preference.

This section amends the general procurement authority of the FAA to make clear they should be updating their acquisition management system periodically and should include in such updates the consideration for commercial products and services (which the FAA Administrator may already be doing in some instances).

Sec. 812. Consideration of Third-Party Services.

This section updates the requirement that FAA maintain plans and policies related to operation of the NAS (and execute on such plans) in a manner that covers current FAA practices, including the use of third-party services. This section also makes technical corrections in section 44501.

The Committee does not intend this section to imply any expectation relating to how frequently third-party services are used.

Sec. 813. Certificates of Authorization or Waiver.

This section provides discretion to the FAA Administrator to approve aircraft operations within Temporary Flight Restrictions (TFRs). This section also requires that, if the FAA Administrator approves operations within statutory TFRs, conditions of those approvals include discretion to permit flights within 0.75 nautical miles under certain conditions.

Subsection (b)(2) is intended to maintain the operational restriction on aircraft that would not be flown if such event wasn't taking place (e.g., that do not have a formal relationship with the organizers of such event). This is intended to preclude activities like aerial advertising and banner towing as well as unauthorized recordings of such events.

Sec. 814. Wing-In-Ground-Effect Craft.

This section requires the FAA Administrator and the Commandant of the Coast Guard to execute a memorandum of understanding (MOU) regarding the specific roles, responsibilities, and resources of the respective entities pertaining to wing-in-ground (WIG) effect craft. This section explicitly prohibits the DOT Secretary from regulating a WIG-effect craft operator as an air carrier.

Sec. 815. Quasiquicentennial of Aviation.

This section states that it is the sense of Congress that the DOT Secretary and the FAA Administrator shall facilitate and participate in local, national, and international observances to commemorate the 125th anniversary of the Wright brothers first flight on December 17, 2028.

Sec. 816. Federal Contract Tower Wage Determinations and Positions.

This section requires that the DOT Secretary request that the Secretary of Labor review and update the cost-of-living adjustment for air traffic controllers at Federal contract towers and create a new wage determination for managers at Federal contract towers.

Sec. 817. Internal Process Improvements Review.

This section requires the DOT OIG to review the process by which the FAA develops and coordinates orders, advisory circulars, statements of policy, guidance, technical standards, and other materials in order to reduce the timeline required to produce and update such materials.

Sec. 818. Acceptance of Digital Driver's License and Identification Cards.

This section directs the FAA Administrator to take such actions necessary to accept a digital or mobile driver's license issued by a state in such instances where an individual is required to submit a government-issued identification.

Sec. 819. Buckeye 940 Release of Deed Restrictions.

This section releases former Luke Air Force Base Auxiliary Field #6 from certain Federal land use deed restrictions.

Sec. 820. Federal Aviation Administration Information Technology System Integrity.

This section requires the FAA Administrator to conduct a review of aging information technology systems within the FAA to identify, inventory, and assess critical software and hardware systems and their vulnerabilities to degradation, errors, and malicious attacks. In conducting this review, the FAA Administrator is directed to identify the necessary upgrades and replacements needed to decrease the risks posed by such vulnerabilities and address each vulnerability appropriately.

This section also requires the DOT OIG to audit the integrity of information systems of the Administration.

Sec. 821. Briefing on Radio Communications Coverage Around Mountainous Terrain.

This section requires the FAA Administrator to brief Congress on the radio communications coverage of the airspace surrounding the Mena Intermountain Municipal Airport to determine at what altitudes radio communications capabilities may be compromised or lost, and to make recommendations on changes necessary to increase the radio communications coverage near this airport.

Sec. 822. Study on Congested Airspace.

This section directs the Comptroller General to initiate a study on the efficiency and efficacy of scheduled commercial air service transiting congested airspace. In conducting the study, the Comptroller General shall examine various regions of congested airspace, commercial air activity, military flight activity, emergency response activity, commercial space transportation activities, weather, and air traffic controller staffing.

Sec. 823. Administrative Services Franchise Fund.

This section addresses an inefficiency in the use of FAA's franchise fund which requires that all funds be paid in advance. The flexibility provided is consistent with funds of other Departments.

Sec. 824. Use of Biographical Assessments.

This section amends Section 44506(f)(2)(A) of title 49, United States Code, by striking "paragraph (1)(B)(ii)" and inserting "paragraph (1)(B)".

Sec. 825. Whistleblower Protection Enforcement.

This section clarifies that the FAA and the Department of Labor shall collectively determine an enforcement action against a person

who retaliates against a whistleblower following an adjudication process and determination.

Sec. 826. Final Rulemaking on Certain Manufacturing Standards.

This section instructs the FAA to publish a final rule on aircraft standards that meets the minimum required for United States manufacturers to sell aircraft overseas.

Sec. 827. Remote Dispatch.

This section establishes a certificate for aircraft dispatchers and requires that air carriers maintain designated dispatch centers and flight following centers. This section also clarifies that air carriers may not dispatch aircraft from any location other than its designated dispatch centers, except in cases of emergency.

Sec. 828. Employee Assault Prevention and Response Plans Amendment.

This section amends section 551 of the *FAA Reauthorization Act of 2018* to give the FAA Administrator authority to enforce the requirement that commercial airlines establish employee assault and response plans.

Sec. 829. Crew Member Self-Defense Training.

This section requires commercial airlines provide a process by which crew members can receive reasonable accommodations for self-defense training courses.

Sec. 830. Formal Sexual Assault and Harassment Policies on Air Carriers and Foreign Air Carriers.

This section directs passenger air carriers and foreign air carriers to issue a formal policy on sexual assault or harassment incidents. The policy mandated by this section should include a statement of zero tolerance, procedures for reporting a sexual assault or harassment incident, procedures for personnel to follow following the report of an incident, procedures to limit or prohibit future travel for any passenger who causes an incident, and training for appropriate personnel.

This section also directs air carriers and foreign air carriers to prominently display on their website (and appropriate signage) a written statement informing passengers and personnel of the procedure for reporting an incident.

Sec. 831. Interference with Security Screening Personnel.

This section clarifies that interference with security screening personnel extends to an airport or air carrier employee performing ticketing, check-in, baggage claim, or boarding functions.

Sec. 832. Mechanisms to Reduce Helicopter Noise.

This section instructs the Comptroller General to examine ways that state and local governments can mitigate commercial helicopter noise.

Sec. 833. Technical Corrections.

This section makes various non-substantive technical and conforming amendments.

Sec. 834. Transportation of Organs.

This section tasks the DOT Secretary, in coordination with the FAA Administrator, to convene a working group to assist in developing best practices and identifying hindrances for transporting an organ in the cabin of a commercial aircraft. The working group shall consist of air carriers operating under part 121, organ procurement organizations, organ transplant hospitals, flight attendants, and any other Federal agencies determined appropriate by the FAA Administrator. One year after convening, the working group will submit a report with recommendations to the Secretary.

Sec. 835. Report on Application Approval Timing.

This section requires the FAA Administrator to submit to Congress a report on the application process for Part 137 certificates.

Sec. 836. Study on Air Cargo Operations.

This section requires the Comptroller General to initiate a study on the economic sustainability of air cargo operations, including the airport facilities and infrastructure as well as intramodality of cargo operations at an airport that support such operations.

Sec. 837. Next Generation Radio Altimeters.

This section directs the FAA Administrator (in coordination with industry stakeholders) to carry out an accelerated program to assist with the development, testing, and certification of standards and technology necessary to ensure the FAA is able to certify, produce standards, and meet the goal of next generation radio altimeters equipped across all necessary aircraft by January 1, 2028. In addition, the FAA Administrator may award grants for the purpose of meeting the equipage goal of January 1, 2028.

Sec. 838. Sense of Congress Regarding Safety and Security of Aviation Infrastructure.

This section expresses the sense of Congress that the safety and security of aviation infrastructure is essential.

Sec. 839. Restricted Category Aircraft Maintenance and Operations.

This section clarifies that the FAA Administrator shall have sole jurisdiction over the maintenance and operations of civil restricted category aircraft. This section ensures that other Federal or local governmental bodies do not set maintenance or operational requirements for the safety of such aircraft.

Sec. 840. Report on Telework.

This section requires the DOT Secretary to provide Congress with a report detailing direct and indirect costs and inefficiencies associated with the maximum telework policies during the COVID-19 public health emergency.

Sec. 841. Crewmember Pumping Guidance.

This section directs the FAA Administrator to issue guidance to part 121 air carriers relating to crewmembers pumping during non-critical phases of flight. In producing guidance, the FAA Administrator shall consider multiple methods of expressing breast milk that could be used by crewmembers and ensure that any guidance

does not require an air carrier or foreign air carrier to incur significant expenses such as the addition of an extra crewmember or removal or retrofitting of any seats on the aircraft.

Sec. 842. Aircraft Interchange Agreement Limitations.

This section requires the FAA Administrator to conduct a study on the regulations and use of foreign interchange agreements.

Sec. 843. Federal Aviation Administration Academy and Facility Expansion Plan.

This section requires the FAA Administrator to develop a plan to expand the FAA's capacity for training air traffic controllers, including the establishment of a second FAA ATC training academy. This section requires the FAA Administrator to submit the plan to Congress and brief Congress on the plan developed under this section.

**TITLE IX: NATIONAL TRANSPORTATION SAFETY BOARD
AMENDMENTS ACT OF 2023**

Sec. 901. Short Title.

This title may be cited as the "National Transportation Safety Board Amendments Act of 2023."

Sec. 902. Authorization of Appropriations.

This section authorizes \$142 million for FY 2024, \$145 million for FY 2025, \$150 million for FY 2026, \$155 million for FY 2027, and \$161 million for FY 2028 for the National Transportation Safety Board (NTSB or "Board" in this title). Furthermore, the Committee recognizes the need for additional rail safety inspectors at the NTSB and encourages the agency to utilize portions of the authorized funds to hire such rail safety inspectors.

Sec. 903. Clarification of Treatment of Territories.

This section clarifies that the term "State" means a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, the Northern Mariana Islands, and Guam.

Sec. 904. Additional Workforce Training.

This section authorizes the NTSB to acquire training on emerging transportation technologies and allows the NTSB to conduct training to meet the needs of the NTSB's strategic workforce plan.

Sec. 905. Acquiring Mission-Essential Knowledge and Skills.

This section gives the Chairman of the Board direct hiring authority of highly qualified personnel with specialized knowledge if the Chairman determines there is a severe shortage of qualified personnel or a critical hiring need for particular positions. This direct hire authority terminates on the date that is five years after the date of enactment of this Act and does not apply to positions in the excepted service or the Senior Executive Service.

Sec. 906. Overtime Annual Report Termination.

This section repeals the statutory requirement that the NTSB submit an Overtime Pay annual report to Congress.

Sec. 907. Strategic Workforce Plan.

This section directs the Board to submit to Congress a strategic workforce plan that covers a five-year forecast period. The workforce plan should be updated at least once every five years and should be made available to the public on the Board's website.

Sec. 908. Travel Budgets.

This section directs the Board to establish annual fiscal year budgets for non-accident-related travel expenditures. These new estimates are to be included in the annual budget request of the Board. In addition, the Board shall notify Congress if any member exceeds their non-accident-related travel budget.

Sec. 909. Retention of Records.

This section grants the Board the ability to retain investigative records for such periods as determined by the Board.

Sec. 910. Nondisclosure of Interview Recordings.

This section prohibits the Board from publicly disclosing any audio or video recordings of interviews with participants in, or witnesses to, an accident being investigated by the Board. This does not pertain to transcripts or summaries of such interviews. In addition, the Board must notify Congress if the Board or United States Attorney General carries out civil actions against an airman employed by an air carrier operating under part 121 at the time of the accident.

Sec. 911. Closed Unacceptable Recommendations.

This section requires the NTSB to include in their annual report to Congress a list of each recommendation made by the Board to the DOT Secretary or the Commandant of the Coast Guard that was closed in an unacceptable status in the past 12 months.

Sec. 912. Establishment of Office of Oversight, Accountability, and Quality Assurance.

This section establishes an Office of Oversight, Accountability, and Quality Assurance at the NTSB to promote efficiency and effectiveness; and prevent and detect waste, fraud, and abuse in programs and operations at the NTSB. Furthermore, it requires the Director of the newly established office to submit an annual report to Congress on the activities, investigations, findings, and recommendations of the Office.

Sec. 913. Miscellaneous Investigative Authorities.

This section grants the NTSB additional authority to investigate and identify probable cause for any highway accident, including highway accidents that occur at railroad grade crossings, concurrent with any State investigation. In addition, this section clarifies the NTSB's investigative authority into railroad accidents by including railroad grade crossing or trespasser accidents in which there is a fatality or substantial property damage.

Sec. 914. Public Availability of Accident Reports.

This section directs the Board to make accident reports available to the public, at no cost, via a database on their website. In addi-

tion to being made available on their website, the reports should be available to the public in printed form at a reasonable cost.

Sec. 915. Ensuring Accountability for Timeliness of Reports.

This section directs the Board to submit a report to Congress on any accident report not completed within two years of the accident. The report to Congress shall contain the reasons why the investigation has yet to be completed. The Board will also be required to submit subsequent progress reports to Congress every 90 days until the investigation is complete.

Sec. 916. Ensuring Access to Data.

This section ensures that the Board will be able to obtain recordings, recording information, and data pertinent to accidents from manufacturers or vendor suppliers. This will enable the Board to read and interpret any recording device or recorded information pertinent to an accident and allow the Board to perform an independent physics-based simulation and analysis of an accident.

Sec. 917. Public Availability of Safety Recommendations.

This section directs the Board to make the DOT Secretary's responses to safety recommendations available to the public, at no cost, via a database on their website. In addition to being made available on their website, the responses should be available to the public in printed form at a reasonable cost.

Sec. 918. Improving Delivery of Family Assistance.

This section broadens the scope of family assistance to include passengers and the families of those passengers involved in accidents within United States airspace or airspace delegated to the United States. This section also directs the Director of Family Support Services to request a passenger list from the air carrier as soon as practicable. The Director may not release any individual's information unless they deem it appropriate to provide such information to the family of the passenger or a local, state, or Federal agency tasked with determining the whereabouts or welfare of the passenger. In addition, the independent non-profit organization designated for family assistance may request a passenger list to share with family, as appropriate. The designated organization may not publicly release the personal information of a passenger. Lastly, this section makes similar conforming edits to the scope of family assistance for passengers and the families of such passengers involved in rail accidents.

Sec. 919. Updating Civil Penalty Authority.

This section broadens the scope of civil penalties beyond aviation accidents, to include rail passenger accidents.

Sec. 920. Electronic Availability of Public Docket Records.

This section directs the Board to make all records included in the public docket of an accident or incident investigation electronically available to the public, regardless of the date on which such public docket or record was created. The Board shall provide an annual briefing to Congress until such records are electronically available to the public.

Sec. 921. Drug-Free Workplace.

This section directs the Board to implement a drug testing program for Board employees, in accordance with Executive Order 12564.

Sec. 922. Accessibility in the Workplace.

This section directs the NTSB to assess their offices (headquarters and regional offices) to identify barriers to accessibility to their facilities. The assessment shall be done in compliance with the *Architectural Barriers Act of 1968* and the *Americans with Disabilities Act of 1990*.

Sec. 923. Most Wanted List.

As requested by the NTSB, this section directs the Board to terminate publication of the Most Wanted List.

Sec. 924. Technical Corrections.

This section makes technical corrections to sections relating to the NTSB in title 49, United States Code.

TITLE X: FREEDOM TO FLY ACT OF 2023

Sec. 1001. Short Title.

This section provides the short title for Title X, “Freedom to Fly Act of 2023.”

Sec. 1002. Prohibition on Implementation of Vaccination Mandate.

This section bars the FAA Administrator from mandating COVID–19 vaccine requirements for the personnel of air carriers.

Sec. 1003. Prohibition on Vaccination Requirements for FAA Contractors.

This section bars the FAA Administrator from mandating COVID–19 vaccine requirements for the personnel of FAA contractors.

Sec. 1004. Prohibition on Vaccine Mandate for FAA Employees.

This section bars the FAA Administrator from putting in place COVID–19 vaccine requirements for employees of the FAA.

Sec. 1005. Prohibition on Vaccine Mandate for Passengers of Air Carriers.

This section bars the FAA Administrator from mandating COVID–19 vaccine requirements for passengers on air carriers.

Sec. 1006. Prohibition on Implementation of a Mask Mandate.

This section bars the FAA Administrator from mandating any mask requirements for the personnel of air carriers.

The Committee does not intend for this section to limit or prevent the FAA Administrator from issuing aviation safety or health related measures unrelated to COVID–19.

Sec. 1007. Prohibition on Mask Mandates for FAA Contractors.

This section bars the FAA Administrator from mandating any mask requirements for the personnel of FAA contractors.

The Committee does not intend for this section to limit or prevent the FAA Administrator from issuing aviation safety or health related measures unrelated to COVID-19.

Sec. 1008. Prohibition on Mask Mandate for FAA Employees.

This section bars the FAA Administrator from putting in place any mask requirements for the personnel of the FAA.

The Committee does not intend for this section to limit or prevent the FAA Administrator from issuing aviation safety or health related measures unrelated to COVID-19.

Sec. 1009. Prohibition on Mask Mandate for Passengers of Air Carriers.

This section bars the FAA Administrator from mandating any mask requirements for passengers on air carriers.

The Committee does not intend for this section to limit or prevent the FAA Administrator from issuing aviation safety or health related measures unrelated to COVID-19.

Sec. 1010. Definitions.

This section contains definitions specific to Title X.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

TITLE 49, UNITED STATES CODE

| | | |
|---|-----------|---------------|
| Subtitle | | Sec. |
| | * * * * * | |
| [IX. Multimodal Freight Transportation | | 70101] |
| <i>IX. MULTIMODAL FREIGHT TRANSPORTATION</i> | | <i>70101</i> |
| | * * * * * | |

SUBTITLE I—DEPARTMENT OF TRANSPORTATION

| | | |
|---|-----------|-------------|
| | * * * * * | |
| Chapter | | Sec. |
| | * * * * * | |
| [7. Surface Transportation Board | | 701] |

CHAPTER 1—ORGANIZATION

Sec.

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120. *National Center for the Advancement of Aerospace.*

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§ 106. Federal Aviation Administration

(a) **[The Federal]** *IN GENERAL.*—*The Federal Aviation Administration is an administration in the Department of Transportation.*

[(b)] The head of the Administration is the Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate. When making an appointment, the President shall consider the fitness of the individual to carry out efficiently the duties and powers of the office. Except as provided in subsection (f) or in other provisions of law, the Administrator reports directly to the Secretary of Transportation. The term of office for any individual appointed as Administrator after August 23, 1994, shall be 5 years.

[(c)] The Administrator must—

[(1)] be a citizen of the United States;

[(2)] be a civilian; and

[(3)] have experience in a field directly related to aviation.

[(d)(1)] The Administration has a Deputy Administrator, who shall be appointed by the President. In making an appointment, the President shall consider the fitness of the appointee to efficiently carry out the duties and powers of the office. The Deputy Administrator shall be a citizen of the United States and have experience in a field directly related to aviation. An officer on active duty in an armed force may be appointed as Deputy Administrator. However, if the Administrator is a former regular officer of an armed force, the Deputy Administrator may not be an officer on active duty in an armed force.

[(2)] The annual rate of basic pay of the Deputy Administrator shall be set by the Secretary but shall not exceed the annual rate of basic pay payable to the Administrator of the Federal Aviation Administration.

[(3)] An officer on active duty or a retired officer serving as Deputy Administrator is entitled to hold a rank and grade not lower than that held when appointed as Deputy Administrator. The Deputy Administrator may elect to receive (A) the pay provided by law for the Deputy Administrator, or (B) the pay and allowances or the retired pay of the military grade held. If the Deputy Administrator elects to receive the military pay and allowances or retired pay, the Administration shall reimburse the appropriate military department from funds available for the expenses of the Administration.

[(4)] The appointment and service of a member of the armed forces as a Deputy Administrator does not affect the status, office, rank, or grade held by that member, or a right or benefit arising from the status, office, rank, or grade. The Secretary of a military department does not control the member when the member is carrying out duties and powers of the Deputy Administrator.

[(e)] The Administrator and the Deputy Administrator may not have a pecuniary interest in, or own stock in or bonds of, an aero-

nautical enterprise, or engage in another business, vocation, or employment.】

(b) ADMINISTRATION LEADERSHIP.—

(1) ADMINISTRATOR.—

(A) IN GENERAL.—*The head of the Administration is the Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate.*

(B) QUALIFICATIONS.—*The Administrator shall—*

(i) *be a citizen of the United States;*

(ii) *not be an active duty or retired member of an Armed Force; and*

(iii) *have experience in organizational management and a field directly related to aviation.*

(C) FITNESS.—*In appointing an individual as Administrator, the President shall consider the fitness of such individual to carry out efficiently the duties and powers of the office.*

(D) TERM OF OFFICE.—*The Term of office for any individual appointed as Administrator shall be 5 years.*

(E) REPORTING CHAIN.—*Except as provided in subsection (f) or in other provisions of law, the Administrator reports directly to the Secretary of Transportation.*

(2) DEPUTY ADMINISTRATOR FOR PROGRAMS AND MANAGEMENT.—

(A) IN GENERAL.—*The Administration has a Deputy Administrator for Programs and Management, who shall be a political appointee of the President.*

(B) QUALIFICATIONS.—*The Deputy Administrator for Programs and Management shall—*

(i) *be a citizen of the United States; and*

(ii) *have experience in management and a field directly related to aviation.*

(C) FITNESS.—*In appointing an individual as Deputy Administrator for Programs and Management, the President shall consider the fitness of the individual to carry out efficiently the duties and powers of the office, including the duty to act for the Administrator under the circumstances described in subparagraph (F).*

(D) REPORTING CHAIN.—*The Deputy Administrator for Programs and Management reports directly to the Administrator.*

(E) DUTIES.—*The Deputy Administrator for Programs and Management shall—*

(i) *manage the Assistant Administrators and Chief Counsel established under subsection (d), except the Assistant Administrator for Rulemaking and Regulatory Improvement; and*

(ii) *carry out duties and powers prescribed by the Administrator.*

(F) SUCCESSION PLAN.—*The Deputy Administrator for Programs and Management acts for the Administrator when the Administrator is absent or unable to serve, or when the office of the Administrator is vacant.*

(G) COMPENSATION.—

(i) *ANNUAL RATE OF BASIC PAY.*—The annual rate of basic pay of the Deputy Administrator for Programs and Management shall be set by the Secretary but shall not exceed the annual rate of basic pay payable to the Administrator.

(ii) *EXCEPTION.*—A retired regular officer of an Armed Force serving as the Deputy Administrator for Programs and Management is entitled to hold a rank and grade not lower than that held when appointed as the Deputy Administrator for Programs and Management and may elect to receive—

(I) the pay provided for the Deputy Administrator for Programs and Management under clause (i); or

(II) the pay and allowances or the retired pay of the military grade held.

(iii) *REIMBURSEMENT OF EXPENSES.*—If the Deputy Administrator for Programs and Management elects to receive compensation described in clause (ii)(II), the Administration shall reimburse the appropriate military department from funds available for the expenses of the Administration.

(3) *DEPUTY ADMINISTRATOR FOR SAFETY AND OPERATIONS.*—

(A) *IN GENERAL.*—The Administration has a Deputy Administrator for Safety and Operations, who—

(i) shall be appointed by the Administrator; and

(ii) shall not be a political appointee.

(B) *QUALIFICATIONS.*—The Deputy Administrator for Safety and Operations shall—

(i) be a citizen of the United States; and

(ii) have experience in organizational management and a field directly related to aviation.

(C) *FITNESS.*—In appointing an individual as Deputy Administrator for Safety and Operations, the Administrator shall consider the fitness of the individual to carry out efficiently the duties and powers of the office, including the duty to act for the Administrator under the circumstances described in subparagraph (F).

(D) *REPORTING CHAIN.*—The Deputy Administrator for Safety and Operations reports to the Administrator.

(E) *DUTIES.*—The Deputy Administrator for Safety and Operations shall—

(i) manage the Associate Administrators and Chief Operating Officer established under subsection (c) and the Assistant Administrator for Rulemaking and Regulatory Improvement established under subsection (d);

(ii) develop and maintain a long-term strategic plan of the Administration; and

(iii) carry out other duties and powers prescribed by the Administrator.

(F) *SUCCESSION PLAN.*—The Deputy Administrator for Safety and Operations acts for the Administrator when the Administrator and the Deputy Administrator for Programs and Management are absent or unable to serve, or when

the office of the Administrator and the Office of the Deputy Administrator for Programs and Management are vacant.

(G) *COMPENSATION.—The annual rate of basic pay of the Deputy Administrator for Safety and Operations shall be set by the Administrator but shall not exceed the annual rate of basic pay payable to the Administrator.*

(4) *LEADERSHIP OF THE ADMINISTRATION DEFINED.—In this section, the term “leadership of the Administration” means—*

(A) the Administrator under paragraph (1);

(B) the Deputy Administrator for Programs and Management under paragraph (2); and

(C) the Deputy Administrator for Safety and Operations under paragraph (3).

(c) *ASSOCIATE ADMINISTRATORS.—*

(1) *IN GENERAL.—The Administration has Associate Administrators, as determined necessary by the Administrator, including—*

(A) appointed by the Administrator, an Associate Administrator for Aviation Safety, an Associate Administrator for Commercial Space Transportation, an Associate Administrator for Security and Hazardous Materials Safety, a Chief Operating Officer of the Air Traffic Control System; and

(B) appointed by the President, an Associate Administrator for Airports.

(2) *QUALIFICATIONS.—Associate Administrators shall be citizens of the United States.*

(3) *DUTIES.—The Associate Administrators shall carry out duties and powers of their office described in this section and those prescribed by the Administrator.*

(d) *CHIEF COUNSEL; ASSISTANT ADMINISTRATORS.—*

(1) *IN GENERAL.—The Administration has Assistant Administrators and a Chief Counsel.*

(A) *CHIEF COUNSEL.—The Chief Counsel shall be appointed by the President and shall—*

(i) advise the Administrator on legal matters relating to the responsibilities, functions, and management of the Administration;

(ii) at the request of the Administrator, provide guidance, counsel, and advice regarding, but shall not have final decision-making authority with regards to, the activities of the Administrator, including—

(I) rulemaking activities;

(II) policy and guidance document production;

(III) exemption and waiver decisions; and

(IV) certification and approval determinations;

(iii) represent the Administration before the National Transportation Safety Board, Department of Transportation law judges, the Equal Employment Opportunity Commission, Federal courts of the United States, and other bodies and courts, as appropriate;

(iv) pursue enforcement actions on behalf of the Administrator; and

(v) perform other functions as determined by the Administrator.

(B) ASSISTANT ADMINISTRATOR FOR RULEMAKING AND REGULATORY IMPROVEMENT.—The Assistant Administrator for Rulemaking and Regulatory Improvement shall be appointed by the Administrator and shall—

(i) be responsible for developing and managing the execution of a regulatory agenda for the Administration that meets statutory and Administration deadlines, including by—

(I) prioritizing rulemaking projects that are necessary to improve safety;

(II) establishing the regulatory agenda of the Administration; and

(III) coordinating with offices of the Administration, the Department, and other Federal entities as appropriate to improve timely feedback generation and approvals when required by law;

(ii) not delegate overall responsibility for meeting internal timelines and final completion of the regulatory activities of the Administration outside the Office of the Assistant Administrator for Rulemaking and Regulatory Improvement;

(iii) on an ongoing basis—

(I) review the Administration's regulations in effect to improve safety;

(II) reduce undue regulatory burden;

(III) replace prescriptive regulations with performance-based regulations, as appropriate;

(IV) prevent duplicative regulations; and

(V) increase regulatory clarity and transparency whenever possible;

(iv) make recommendations for the Administrator's review under subsection (f)(3)(C)(ii);

(v) receive, coordinate, and respond to petitions for rulemaking and for exemption as provided for in subpart A of part 11 of title 14, Code of Federal Regulations, and provide an initial response to a petitioner not later than 30 days after the receipt of such a petition—

(I) acknowledging receipt of such petition;

(II) confirming completeness of such petition;

(III) providing an initial indication of the complexity of the request and how such complexity may impact the timeline for adjudication; and

(IV) requesting any additional information, as appropriate, that would assist in the consideration of the petition;

(vi) track the issuance of exemptions and waivers by the Administration to sections of title 14, Code of Federal Regulations, and establish a methodology by which to determine if it would be more efficient and in the public's interest to amend a rule to reduce the future need of waivers and exemptions; and

(vii) promulgate regulatory updates as determined more efficient or in the public's best interest under clause (vi).

- (C) *APPOINTMENT.*—Additional Assistant Administrators, as determined necessary by the Administrator, may be appointed by the Administrator.
- (2) *QUALIFICATIONS.*—The Assistant Administrators shall be a citizen of the United States.
- (3) *DUTIES.*—The Assistant Administrators shall carry out duties and powers of their office described in this section and those prescribed by the Administrator.
- (4) *MANAGEMENT BOARD OF THE ADMINISTRATION.*—In this section, the term “Management Board of the Administration” means—
- (A) the Associate Administrators and Chief Operating Officer established under subsection (c); and
- (B) the Assistant Administrators and Chief Counsel established under subsection (d).
- (e) *PROHIBITION ON CONFLICTING PECUNIARY INTERESTS.*—
- (1) *IN GENERAL.*—The leadership of the Administration and the Management Board of the Administration may not have a pecuniary interest in, or hold a financial interest in, an aeronautical enterprise, or engage in another business, vocation, or employment.
- (2) *TEACHING.*—Notwithstanding paragraph (1), the Deputy Administrators and the Management Board of the Administration may not receive compensation for teaching without prior approval of the Administrator.
- (3) *FINANCIAL INTEREST DEFINED.*—In this subsection, the term “financial interest”—
- (A) means—
- (i) any current or contingent ownership, equity, or security interest;
- (ii) any indebtedness or compensated employment relationship; or
- (iii) any right to purchase or acquire any such interest, including a stock option; and
- (B) does not include securities held in an index fund.
- (f) *AUTHORITY OF THE SECRETARY AND THE ADMINISTRATOR.*—
- (1) *AUTHORITY OF THE SECRETARY.*—Except as provided in [paragraph (2)] paragraphs (2) and (3), the Secretary of Transportation shall carry out the duties and powers, and controls the personnel and activities, of the Administration. [Neither] In exercising duties, powers, and authorities that are assigned to the Secretary or the Administrator under this title, neither the Secretary nor the Administrator may submit decisions for the approval of, or be bound by the decisions or recommendations of, [a committee, board, or organization established by executive order.] a committee, board, council, or organization that is—
- (A) established by executive order; or
- (B) not explicitly directed by legislation to review the exercise of such duties, powers, and authorities by the Secretary or the Administrator.
- (2) *AUTHORITY OF THE ADMINISTRATOR.*—The Administrator—
- (A) is the final authority for carrying out all functions, powers, and duties of the Administration relating to—

(i) the appointment and employment of all officers and employees of the Administration (other than Presidential and political appointees);

(ii) **the acquisition and maintenance of property, services, and equipment of the Administration;** *the acquisition, establishment, improvement, operation, maintenance, security (including cybersecurity), and disposal of property, facilities, services, and equipment of the Administration, including all elements of the air traffic control system owned by the Administration;*

(iii) except as otherwise provided in **paragraph (3) paragraph (4)**, the promulgation of regulations, rules, orders, circulars, bulletins, and other official publications of the Administration; and

(iv) any obligation imposed on the Administrator, or power conferred on the Administrator, by the Air Traffic Management System Performance Improvement Act of 1996 (or any amendment made by that Act);

(B) shall offer advice and counsel to the President with respect to *civil aviation, any matter for which the Administrator is the final authority under subparagraph (A), any duty carried out by the Administrator pursuant to paragraph (3), or the provisions of this title, or the appointment and qualifications of any officer or employee of the Administration to be appointed by the President or as a political appointee;*

(C) may delegate, and authorize successive redelegations of, to an officer or employee of the Administration any function, power, or duty conferred upon the Administrator, unless such delegation is prohibited by law; and

(D) except as otherwise provided for in this title, and notwithstanding any other provision of law, shall not be required (*formally or informally*) to coordinate, submit for approval or concurrence, or seek the advice or views of the Secretary or any other officer or employee of the Department of Transportation or any other Federal agency on any matter with respect to which the Administrator is the final authority.

(3) DUTIES AND POWERS OF THE ADMINISTRATOR.—

(A) IN GENERAL.—*The Administrator shall carry out—*

(i) the duties and powers of the Secretary under this subsection related to aviation safety (except those related to transportation, packaging, marking, or description of hazardous material) and stated in—

(I) subsections (c) and (d) of section 1132;

(II) sections 40101(c), 40103(b), 40106(a), 40108, 40109(b), 40113(a), 40113(c), 40113(d), 40113(e), 40114(a), and 40117;

(III) chapter 443;

(IV) chapter 445, except sections 44502(a)(3), 44503, and 44509;

(V) chapter 447, except sections 44721(b), and 44723;

(VI) chapter 448;

(VII) chapter 451;

(VIII) chapter 453;
 (IX) section 46104;
 (X) subsections (d) and (h)(2) of section 46301,
 section 46303(c), sections 46304 through 46308,
 section 46310, section 46311, and sections 46313
 through 46320;
 (XI) chapter 465;
 (XII) chapter 471;
 (XIII) chapter 475; and
 (XIV) chapter 509 of title 51; and
 (ii) such additional duties and powers as may be pre-
 scribed by the Secretary.

(B) *APPLICABILITY*.—Section 40101(d) applies to the du-
 ties and powers specified in subparagraph (A).

(C) *TRANSFER*.—Any of the duties and powers specified in
 subparagraph (A) may only be transferred to another part
 of the Department if specifically provided by law or in a re-
 organization plan submitted under chapter 9 of title 5.

(D) *ADMINISTRATIVE FINALITY*.—A decision of the Admin-
 istrator in carrying out the duties or powers specified in
 subparagraph (A) is administratively final.

[(3)] (4) REGULATIONS.—

(A) *IN GENERAL*.—**[In the performance]** (i) *ISSUANCE OF
 REGULATIONS*.—In the performance of the functions of the
 Administrator and the Administration, the Administrator
 is authorized to issue, rescind, and revise such regulations
 as are necessary to carry out those functions. The issuance
 of such regulations shall be governed by the provisions of
 chapter 5 of title 5. **[The Administrator shall act]** (ii) *PE-
 TITIONS FOR RULEMAKING*.—The Administrator shall act
 upon all petitions for rulemaking no later than 6 months
 after the date such petitions are filed by dismissing such
 petitions, by informing the petitioner of an intention to dis-
 miss, or by issuing a notice of proposed rulemaking or ad-
 vanced notice of proposed rulemaking. **[The Administrator
 shall issue]** (iii) *RULEMAKING TIMELINE*.—The Adminis-
 trator shall issue a final regulation, or take other final ac-
 tion, not later than 16 months after the last day of the
 public comment period for the regulations or, in the case
 of an advanced notice of proposed rulemaking, if issued,
 not later than 24 months after the date of publication in
 the Federal Register of notice of the proposed rulemaking.
[On February 1] (iv) *REPORTING REQUIREMENT*.—On Feb-
 ruary 1 and August 1 of each year the Administrator shall
 submit to the Committee on Transportation and Infra-
 structure of the House of Representatives and the Com-
 mittee on Commerce, Science, and Transportation of the
 Senate a letter listing each deadline the Administrator
 missed under this subparagraph during the 6-month pe-
 riod ending on such date, including an explanation for
 missing the deadline and a projected date on which the ac-
 tion that was subject to the deadline will be taken.

[(B) APPROVAL OF SECRETARY OF TRANSPORTATION.—(i)
 The Administrator may not issue a proposed regulation or
 final regulation that is likely to result in the expenditure

by State, local, and tribal governments in the aggregate, or by the private sector, of \$250,000,000 or more (adjusted annually for inflation beginning with the year following the date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century) in any year, or any regulation which is significant, unless the Secretary of Transportation approves the issuance of the regulation in advance. For purposes of this paragraph, a regulation is significant if the Administrator, in consultation with the Secretary (as appropriate), determines that the regulation is likely to—

【(I) have an annual effect on the economy of \$250,000,000 or more or adversely affect in a substantial and material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; or

【(II) raise novel or significant legal or policy issues arising out of legal mandates that may substantially and materially affect other transportation modes.

【(ii) In an emergency, the Administrator may issue a regulation described in clause (i) without prior approval by the Secretary, but any such emergency regulation is subject to ratification by the Secretary after it is issued and shall be rescinded by the Administrator within 5 days (excluding Saturdays, Sundays, and legal public holidays) after issuance if the Secretary fails to ratify its issuance.

【(iii) Any regulation that does not meet the criteria of clause (i), and any regulation or other action that is a routine or frequent action or a procedural action, may be issued by the Administrator without review or approval by the Secretary.

【(iv) The Administrator shall submit a copy of any regulation requiring approval by the Secretary under clause (i) to the Secretary, who shall either approve it or return it to the Administrator with comments within 45 days after receiving it.

【(C) PERIODIC REVIEW.—(i) Beginning on the date which is 3 years after the date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996, the Administrator shall review any unusually burdensome regulation issued by the Administrator after such date of enactment beginning not later than 3 years after the effective date of the regulation to determine if the cost assumptions were accurate, the benefit of the regulations, and the need to continue such regulations in force in their present form.

【(ii) The Administrator may identify for review under the criteria set forth in clause (i) unusually burdensome regulations that were issued before the date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996 and that have been in force for more than 3 years.

【(iii) For purposes of this subparagraph, the term “unusually burdensome regulation” means any regulation that

results in the annual expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of \$25,000,000 or more (adjusted annually for inflation beginning with the year following the date of the enactment of the Air Traffic Management System Performance Act of 1996) in any year.

[(iv) The periodic review of regulations may be performed by advisory committees and the Management Advisory Council established under subsection (p).]

(B) APPROVAL OF SECRETARY OF TRANSPORTATION.—

(i) IN GENERAL.—The Administrator may not issue, unless the Secretary of Transportation approves the issuance of the regulation in advance, a proposed regulation or final regulation that—

(I) is likely to result in the expenditure by State, local, and Tribal governments in the aggregate, or by the private sector, of \$250,000,000 or more (adjusted annually for inflation beginning with the year following the date of enactment of the Securing Growth and Robust Leadership in American Aviation Act) in any year; or

(II) is significant.

(ii) SIGNIFICANT DEFINED.—For purposes of this paragraph, a regulation is significant if the Administrator, in consultation with the Secretary (as appropriate), determines that the regulation—

(I) will have an annual effect on the economy of \$250,000,000 or more (adjusted annually for inflation beginning with the year following the date of enactment of the Securing Growth and Robust Leadership in American Aviation Act);

(II) raises novel or serious legal or policy issues that will substantially and materially affect other transportation modes; or

(III) adversely affect, in a substantial and material way, the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or a State, local, or Tribal government or communities.

(iii) EMERGENCY REGULATION.—In an emergency, the Administrator may issue a final regulation described in clause (i) without prior approval of the Secretary. If the Secretary objects to such regulation in writing within 5 days (excluding Saturday, Sundays, and legal public holidays) of the issuance, the Administrator shall immediately rescind such regulation.

(iv) OTHER REGULATIONS.—The Secretary may not require that the Administrator submit a proposed or final regulation to the Secretary for approval, nor may the Administrator submit a proposed or final regulation to the Secretary for approval, if the regulation—

(I) does not require the Secretary's approval under clause (i) (excluding a regulation issued pursuant to clause (iii)); or

(II) is a routine or frequent action or a procedural action.

(v) *TIMELINE.*—The Administrator shall submit a copy of any proposed or final regulation requiring approval by the Secretary under clause (i) to the Secretary, who shall either approve the regulation or return the regulation to the Administrator with comments within 30 days after receiving the regulation. If the Secretary fails to approve or return the regulation with comments to the Administrator within 30 days, the regulation shall be deemed to have been approved by the Secretary.

(C) *PERIODIC REVIEW.*—

(i) *IN GENERAL.*—In addition to the review requirements established under section 5.13(d) of title 49, Code of Federal Regulations, the Administrator shall review any significant regulation issued 3 years after the effective date of the regulation.

(ii) *DISCRETIONAL REVIEW.*—The Administrator may review any regulation that has been in effect for more than 3 years.

(iii) *SUBSTANCE OF REVIEW.*—In performing a review under clause (i) or (ii), the Administrator shall determine if—

(I) the cost assumptions were accurate;

(II) the intended benefit of the regulation is being realized;

(III) the need remains to continue such regulation as in effect; and

(IV) the Administrator recommends updates to such regulation based on the review criteria specified in section 5.13(d) of title 49, Code of Federal Regulations.

(iv) *REVIEW MANAGEMENT.*—Any periodic review of a regulation under this subparagraph shall be managed by the Assistant Administrator for Rulemaking and Regulatory Improvement, who may task an advisory committee or the Management Advisory Council established under subsection (p) to assist in performing the review.

[(4)] (5) *DEFINITION OF POLITICAL APPOINTEE.*—For purposes of this subsection, the term “political appointee” means any individual who—

(A) is employed in a position listed in sections 5312 through 5316 of title 5 (relating to the Executive Schedule);

(B) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3132(a) of title 5; or

(C) is employed in a position in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

[(g) DUTIES AND POWERS OF ADMINISTRATOR.—The Administrator shall carry out the following:

[(1) Duties and powers of the Secretary of Transportation under subsection (f) of this section related to aviation safety (except those related to transportation, packaging, marking, or description of hazardous material) and stated in the following:

[(A) Section 308(b).

[(B) Subsections (c) and (d) of section 1132.

[(C) Sections 40101(c), 40103(b), 40106(a), 40108, 40109(b), 40113(a), 40113(c), 40113(d), 40113(e), and 40114(a).

[(D) Chapter 445, except sections 44501(b), 44502(a)(2), 44502(a)(3), 44502(a)(4), 44503, 44506, 44509, 44510, 44514, and 44515.

[(E) Chapter 447, except sections 44717, 44718(a), 44718(b), 44719, 44720, 44721(b), 44722, and 44723.

[(F) Chapter 451.

[(G) Chapter 453.

[(H) Section 46104.

[(I) Subsections (d) and (h)(2) of section 46301 and sections 46303(c), 46304 through 46308, 46310, 46311, and 46313 through 46316.

[(J) Chapter 465.

[(K) Sections 47504(b) (related to flight procedures), 47508(a), and 48107.

[(2) Additional duties and powers prescribed by the Secretary of Transportation.

[(h) Section 40101(d) of this title applies to duties and powers specified in subsection (g)(1) of this section. Any of those duties and powers may be transferred to another part of the Department only when specifically provided by law or a reorganization plan submitted under chapter 9 of title 5. A decision of the Administrator in carrying out those duties or powers is administratively final.

[(i) The Deputy Administrator shall carry out duties and powers prescribed by the Administrator. The Deputy Administrator acts for the Administrator when the Administrator is absent or unable to serve, or when the office of the Administrator is vacant.]

(g) OFFICE OF INNOVATION.—

(1) IN GENERAL.—*There is established within the Federal Aviation Administration an Office of Innovation (in this subsection referred to as the “Office”) comprised of employees of the Administration who shall—*

(A) *have a diverse set of expertise;*

(B) *assist the leadership of the Administration and the Management Board of the Administration with—*

(i) *scoping complex regulatory issues and drafting documents on topics that span multiple offices or lines of business of the Administration;*

(ii) *evaluating internal processes; and*

(iii) *positioning the Administration to support aerospace innovation; and*

(C) *receive taskings from the leadership of the Administration and the Management Board of the Administration, as determined necessary by such individuals, and work col-*

laboratively with relevant program offices of the Administration, as necessary, to respond to such taskings.

(2) **APPOINTMENT OF MEMBERS.**—

(A) **APPOINTMENTS.**—*The Administrator shall appoint a maximum of 15 employees to serve a 2-year term as a member of the Office of Innovation with at least 1 employee appointed from each of the following:*

- (i) *Office of Aviation Safety.*
- (ii) *The Air Traffic Organization.*
- (iii) *Office of Airports.*
- (iv) *Office of Security and Hazardous Materials Safety.*
- (v) *Office of Commercial Space Transportation.*
- (vi) *Office of the Chief Counsel.*
- (vii) *Office of Policy, International Affairs, and Environment.*

(B) **CONSULTATION.**—*The Office may consult, as necessary, with other personnel of the Administration.*

(3) **SELECTION OF MEMBERS.**—*An employee appointed under paragraph (2)—*

(A) *may be appointed from nominations made by Associate Administrators, Assistant Administrators, and the Chief Counsel of the Administration;*

(B) *shall not be a senior executive of the Administration;*

(C) *shall have been an employee of the Administration for at least 2 years; and*

(D) *shall have expertise in the authorities and duties of the respective office of the employee.*

(4) **INNOVATION OFFICE LEAD.**—*The Administrator shall appoint a lead of the Office who shall report to the leadership of the Administration and who—*

(A) *may have a set term, as determined by the Administrator;*

(B) *shall manage the personnel and activities of such Office; and*

(C) *may be a detailed employee of any office of the Administration, notwithstanding the numerical limits placed on appointments in paragraph (2)(A).*

(5) **STATUS.**—*An appointment of an employee to the Office established under this subsection shall not impact the status or position of such employee in the respective office of such employee and such employee shall be considered a detailed employee to the Office of Innovation.*

(6) **RESOURCES.**—*The Administrator shall provide resources and staff, as necessary, to the Office to support the activities of the Office described in paragraph (1), not to exceed more than 6 full-time equivalent positions, including any necessary project managers.*

(h) **TECHNICAL CENTER FOR ADVANCED AEROSPACE.**—

(1) **IN GENERAL.**—*There is established within the Administration a technology center located at the Frank A. LoBiondo National Aerospace Safety and Security Campus to support the advancement of aerospace safety and innovation which shall be known as the “William J. Hughes Technical Center for Advanced Aerospace” (in this subsection referred to as the “Tech-*

nical Center”) that shall be used by the Administrator and, as permitted by the Administrator, other governmental entities, academia, and the aerospace industry.

(2) *MANAGEMENT.*—The activities of the Technical Center shall be managed by a Director.

(3) *ACTIVITIES.*—The activities of the Technical Center shall include—

(A) developing and stimulating technology partnerships with and between industry, academia, and other government agencies and supporting such partnerships by—

(i) liaising between external persons and offices of the Administration interested in such work;

(ii) providing technical expertise and input, as appropriate; and

(iii) providing access to the properties, facilities, and systems of the Technical Center through appropriate agreements;

(B) managing technology demonstration grants awarded by the Administrator;

(C) identifying software, systems, services, and technologies that could improve aviation safety and the operations and management of the air traffic control system and working with relevant offices of the Administration to consider the use and integration of such software, systems, services, and technologies, as appropriate;

(D) supporting the work of any collocated facilities and tenants of such facilities, and to the extent feasible, enter into agreements as necessary to utilize the facilities, systems, and technologies of such collocated facilities and tenants;

(E) managing the facilities of the Technical Center and the Frank A. LoBiondo National Aerospace Safety and Security Campus; and

(F) carrying out any other duties as determined appropriate by the Administrator.

(i) *FAA OMBUDSMAN.*—

(1) *ESTABLISHMENT.*—There is established within the Federal Aviation Administration an Ombudsman who shall coordinate or facilitate the adjudication of covered submissions.

(2) *OMBUDSMAN.*—

(A) *IN GENERAL.*—The Ombudsman shall be appointed by the Administrator and report to the Assistant Administrator for Government and Industry Affairs.

(B) *TERM.*—The Ombudsman shall be appointed for a term of 5 years.

(3) *DUTIES.*—The duties of the Ombudsman shall be as follows:

(A) Work with the relevant offices within the Administration to—

(i) with respect to a covered submission, resolve, provide a status update, or provide clarity on the status of such submissions;

(ii) bring to the attention of the relevant office of the Administration concerns, as necessary, regarding Administration processes or considerations discovered

while coordinating an activity related to a covered submission under this subsection; and

(iii) address any gaps and communication lapses in Administration coordination processes.

(B) Determine if, based on a coordinated activity carried out under this subsection, reconsideration with respect to covered submissions or administrative actions are necessary and report to the Administrator or the relevant office within the Administration with recommendations relating to such reconsideration.

(C) Determine if trends materialize that could warrant process, procedural, or resource changes and report recommendations regarding such changes to the Administrator and relevant offices within the Administration.

(D) Ensure that reporting, processing, or dispute resolution mechanisms within the Administration are transparent and accessible to the public, and facilitate the use of such reporting, processing, or dispute resolution mechanisms, when appropriate.

(E) Perform other duties as prescribed by the Assistant Administrator.

(4) *DISCRETION ON COORDINATION AND REVIEW.*—

(A) *IN GENERAL.*—The Ombudsman shall determine whether to coordinate a review of a covered submission in order to provide a response, coordinate the reconsideration of an administrative action, or take no additional action. In making a determination under this subparagraph, the Ombudsman shall consider—

(i) whether there are reporting, processing, or dispute resolution mechanisms that have not been exhausted or that may be more appropriate for dealing with, investigating, and responding to such covered submission;

(ii) whether the subject or outcome of a covered submission is alleged to be—

(I) contrary to law or regulation;

(II) arbitrary and capricious; or

(III) performed in an unreasonably inefficient or untimely manner; and

(iii) such other factors as the Ombudsman considers appropriate.

(B) *EXCEPTION.*—With regard to a covered submission concerning an activity relating to an alleged violation of an order, a regulation, or any other provision of Federal law by the Administration or whistleblower retaliation, the Ombudsman shall refer such covered submission to the appropriate Federal entity to adjudicate or investigate the subject of such submission.

(C) *COOPERATION.*—The Administrator shall ensure that the officers and employees of the Administration fully cooperate with the activities of the Ombudsman and provide such information, documents, or materials as may be requested by the Ombudsman.

(5) *RESPONSE REQUIREMENT.*—The Ombudsman shall ensure that the Administration provides an initial response to or status

update on covered submissions within 10 business days of the Ombudsman receiving such submission.

(6) DEFINITIONS.—In this subsection:

(A) ADMINISTRATIVE ACTION.—The term “administrative action” means—

(i) an action taken by the Administrator of the Federal Aviation Administration to issue, deny, modify, or revoke a certificate, registration, approval, waiver, license, exemption, determination, interpretation, or any other authorizing action; or

(ii) the lack of any action (or activity related to an action) described in clause (i) necessary to be taken by the Administrator.

(B) COVERED SUBMISSION.—The term “covered submission” means an inquiry or objection relating to—

(i) an aircraft, aircraft engine, propeller, or appliance certification;

(ii) a pilot certificate, including scheduling an associated appointment with Administration personnel or designees;

(iii) a medical certificate;

(iv) an operator certificate;

(v) a commercial space transportation license;

(vi) an aircraft registration;

(vii) an operational approval, waiver, or exemption;

(viii) a legal interpretation;

(ix) an outstanding determination;

(x) an application of agency guidance; and

(xi) any certificate not otherwise described in this subparagraph that is issued pursuant to chapter 447.

(j) **[There is]** CIVIL AEROMEDICAL INSTITUTE.—There is established within the Federal Aviation Administration an institute to conduct civil aeromedical research under section 44507 of this title. Such institute shall be known as the “Civil Aeromedical Institute”. Research conducted by the institute should take appropriate advantage of capabilities of other government agencies, universities, or the private sector.

(k) AUTHORIZATION OF APPROPRIATIONS FOR OPERATIONS.—

(1) SALARIES, OPERATIONS, AND MAINTENANCE.—There is authorized to be appropriated to the Secretary of Transportation for salaries, operations, and maintenance of the Administration—

[(A) \$10,247,000,000 for fiscal year 2018;

[(B) \$10,486,000,000 for fiscal year 2019;

[(C) \$10,732,000,000 for fiscal year 2020;

[(D) \$11,000,000,000 for fiscal year 2021;

[(E) \$11,269,000,000 for fiscal year 2022; and]

[(F)] (A) \$11,537,000,000 for fiscal year 2023 [.];

(B) \$12,730,000,000 for fiscal year 2024;

(C) \$13,035,000,000 for fiscal year 2025;

(D) \$13,334,000,000 for fiscal year 2026;

(E) \$13,640,000,000 for fiscal year 2027; and

(F) \$13,954,000,000 for fiscal year 2028.

Such sums shall remain available until expended.

(2) AUTHORIZED EXPENDITURES.—Out of amounts appropriated under paragraph (1), the following expenditures are authorized:

(A) Such sums as may be necessary for fiscal years 2012 through 2015 to carry out and expand the Air Traffic Control Collegiate Training Initiative.

(B) Such sums as may be necessary for fiscal years 2012 through 2015 for the completion of the Alaska aviation safety project with respect to the 3 dimensional mapping of Alaska's main aviation corridors.

(C) Such sums as may be necessary for fiscal years 2012 through 2015 to carry out the Aviation Safety Reporting System and the development and maintenance of helicopter approach procedures.

(D) Not more than the following amounts for commercial space transportation activities:

[(i) \$22,587,000 for fiscal year 2018.

[(ii) \$33,038,000 for fiscal year 2019.

[(iii) \$43,500,000 for fiscal year 2020.

[(iv) \$54,970,000 for fiscal year 2021.

[(v) \$64,449,000 for fiscal year 2022.]

[(vi)] (i) \$75,938,000 for fiscal year 2023.

(ii) \$46,815,000 for fiscal year 2024.

(iii) \$52,985,000 for fiscal year 2025.

(iv) \$59,044,000 for fiscal year 2026.

(v) \$65,225,000 for fiscal year 2027.

(vi) \$71,529,000 for fiscal year 2028.

(3) ADMINISTERING PROGRAM WITHIN AVAILABLE FUNDING.—
[Notwithstanding]

(A) *IN GENERAL.*—*Notwithstanding* any other provision of law, [in each of fiscal years 2018 through 2023,] if the Secretary determines that the funds appropriated under paragraph (1) are insufficient to meet the salary, operations, and maintenance expenses of the Federal Aviation Administration, as authorized by this section, the Secretary shall reduce nonsafety-related activities of the Administration as necessary to reduce such expenses to a level that can be met by the funding available under paragraph (1).

(B) *PRIORITIZATION.*—*In reducing non-safety-related activities of the Administration under subparagraph (A), the Secretary shall prioritize such reductions from amounts other than amounts authorized under this subsection, section 48101, or section 48103.*

(C) *SUNSET.*—*This paragraph shall cease to be effective after September 30, 2028.*

(1) PERSONNEL AND SERVICES.—

(1) OFFICERS AND EMPLOYEES.—Except as provided in subsections (a) and (g) of section 40122, the Administrator is authorized, in the performance of the functions of the Administrator, to appoint, transfer, and fix the compensation of such officers and employees, including attorneys, as may be necessary to carry out the functions of the Administrator and the Administration. In fixing compensation and benefits of officers and employees, the Administrator shall not engage in any type

of bargaining, except to the extent provided for in section 40122(a), nor shall the Administrator be bound by any requirement to establish such compensation or benefits at particular levels.

(2) EXPERTS AND CONSULTANTS.—The Administrator is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5.

(3) TRANSPORTATION AND PER DIEM EXPENSES.—The Administrator is authorized to pay transportation expenses, and per diem in lieu of subsistence expenses, in accordance with chapter 57 of title 5.

(4) USE OF PERSONNEL FROM OTHER AGENCIES.—The Administrator is authorized to utilize the services of personnel of any other Federal agency (as such term is defined under section 551(1) of title 5).

(5) VOLUNTARY SERVICES.—

(A) GENERAL RULE.—In exercising the authority to accept gifts and voluntary services under section 326 of this title, and without regard to section 1342 of title 31, the Administrator may not accept voluntary and uncompensated services if such services are used to displace Federal employees employed on a full-time, part-time, or seasonal basis.

(B) INCIDENTAL EXPENSES.—The Administrator is authorized to provide for incidental expenses, including transportation, lodging, and subsistence, for volunteers who provide voluntary services under this subsection.

(C) LIMITED TREATMENT AS FEDERAL EMPLOYEES.—An individual who provides voluntary services under this subsection shall not be considered a Federal employee for any purpose other than for purposes of chapter 81 of title 5, relating to compensation for work injuries, and chapter 171 of title 28, relating to tort claims.

(6) CONTRACTS.—The Administrator is authorized to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the functions of the Administrator and the Administration. The Administrator may enter into such contracts, leases, cooperative agreements, and other transactions with any Federal agency (as such term is defined in section 551(1) of title 5) or any instrumentality of the United States, any State, territory, or possession, or political subdivision thereof, any other governmental entity, or any person, firm, association, corporation, or educational institution, on such terms and conditions as the Administrator may consider appropriate.

(7) PROHIBITION ON CERTAIN PERFORMANCE-BASED INCENTIVES.—No employee of the Administration shall be given an award, financial incentive, or other compensation, as a result of actions to meet performance goals related to meeting or exceeding schedules, quotas, or deadlines for certificates issued under section 44704.

(m) COOPERATION BY ADMINISTRATOR.—With the consent of appropriate officials, the Administrator may, with or without reimbursement, use or accept the services, equipment, personnel, and facilities of any other Federal agency (as such term is defined in

section 551(1) of title 5) and any other public or private entity. The Administrator may also cooperate with appropriate officials of other public and private agencies and instrumentalities concerning the use of services, equipment, personnel, and facilities. The head of each Federal agency shall cooperate with the Administrator in making the services, equipment, personnel, and facilities of the Federal agency available to the Administrator. The head of a Federal agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Administration, with or without reimbursement, supplies, personnel, services, and equipment other than administrative supplies or equipment.

(n) ACQUISITION.—

(1) IN GENERAL.—The Administrator is authorized—

(A) to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain—

- (i) air traffic control facilities and equipment;
- (ii) research and testing sites and facilities; and
- (iii) such other real and personal property (including office space and patents), or any interest therein, within and outside the continental United States as the Administrator considers necessary;

(B) to lease to others such real and personal property; and

(C) to provide by contract or otherwise for eating facilities and other necessary facilities for the welfare of employees of the Administration at the installations of the Administration, and to acquire, operate, and maintain equipment for these facilities.

(2) TITLE.—Title to any property or interest therein acquired pursuant to this subsection shall be held by the Government of the United States.

(o) TRANSFERS OF FUNDS.—The Administrator is authorized to accept transfers of unobligated balances and unexpended balances of funds appropriated to other Federal agencies (as such term is defined in section 551(1) of title 5) to carry out functions transferred by law to the Administrator or functions transferred pursuant to law to the Administrator on or after the date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996.

[(p) MANAGEMENT ADVISORY COUNCIL AND AIR TRAFFIC SERVICES BOARD.—

[(1) ESTABLISHMENT.—Within 3 months after the date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996, the Administrator shall establish an advisory council which shall be known as the Federal Aviation Management Advisory Council (in this subsection referred to as the “Council”). With respect to Administration management, policy, spending, funding, and regulatory matters affecting the aviation industry, the Council may submit comments, recommended modifications, and dissenting views to the Administrator. The Administrator shall include in any submission to Congress, the Secretary, or the general public, and in any submission for publication in the Federal Register, a description of the comments, recommended modifications, and dissenting

views received from the Council, together with the reasons for any differences between the views of the Council and the views or actions of the Administrator.

【(2) MEMBERSHIP.—The Council shall consist of 13 members, who shall consist of—

【(A) a designee of the Secretary of Transportation;

【(B) a designee of the Secretary of Defense;

【(C) 10 members representing aviation interests, appointed by—

【(i) in the case of initial appointments to the Council, the President by and with the advice and consent of the Senate, except that initial appointments made after May 1, 2003, shall be made by the Secretary of Transportation; and

【(ii) in the case of subsequent appointments to the Council, the Secretary of Transportation; and

【(D) 1 member appointed, from among individuals who are the leaders of their respective unions of air traffic control system employees, by the Secretary of Transportation.

【(3) QUALIFICATIONS.—No officer or employee of the United States Government may be appointed to the Council under paragraph (2)(C) or to the Air Traffic Services Committee.

【(4) FUNCTIONS.—

【(A) IN GENERAL.—(i) The Council shall provide advice and counsel to the Administrator on issues which affect or are affected by the operations of the Administrator. The Council shall function as an oversight resource for management, policy, spending, and regulatory matters under the jurisdiction of the Administration.

【(ii) The Council shall review the rulemaking cost-benefit analysis process and develop recommendations to improve the analysis and ensure that the public interest is fully protected.

【(iii) The Council shall review the process through which the Administration determines to use advisory circulars and service bulletins.

【(B) MEETINGS.—The Council shall meet on a regular and periodic basis or at the call of the chairman or of the Administrator.

【(C) ACCESS TO DOCUMENTS AND STAFF.—The Administration may give the Council or Air Traffic Services Committee appropriate access to relevant documents and personnel of the Administration, and the Administrator shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5 (commonly known as the “Freedom of Information Act”), cost data associated with the acquisition and operation of air traffic service systems. Any member of the Council or Air Traffic Services Committee who receives commercial or other proprietary data from the Administrator shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

【(5) CHAPTER 10 OF TITLE 5 NOT TO APPLY.—Chapter 10 of title 5 does not apply to the Council, the Air Traffic Services

Committee, such aviation rulemaking committees as the Administrator shall designate, or such aerospace rulemaking committees as the Secretary shall designate.

[(6) ADMINISTRATIVE MATTERS.—

[(A) TERMS OF MEMBERS APPOINTED UNDER PARAGRAPH (2)(C).—Members of the Council appointed under paragraph (2)(C) shall be appointed for a term of 3 years. Of the members first appointed by the President under paragraph (2)(C)—

[(i) 3 shall be appointed for terms of 1 year;

[(ii) 4 shall be appointed for terms of 2 years; and

[(iii) 3 shall be appointed for terms of 3 years.

[(B) TERM FOR AIR TRAFFIC CONTROL REPRESENTATIVE.—The member appointed under paragraph (2)(D) shall be appointed for a term of 3 years, except that the term of such individual shall end whenever the individual no longer meets the requirements of paragraph (2)(D).

[(C) TERMS FOR AIR TRAFFIC SERVICES COMMITTEE MEMBERS.—The members appointed to the Air Traffic Services Committee shall be appointed for a term of 5 years, except that the first members of the Committee shall be the members of the Air Traffic Services Subcommittee of the Council on the day before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act who shall serve in an advisory capacity until such time as the President appoints the members of the Committee under paragraph (7).

[(D) REAPPOINTMENT.—An individual may not be appointed to the Committee to more than two 5-year terms.

[(E) VACANCY.—Any vacancy on the Council or Committee shall be filled in the same manner as the original appointment, except that any vacancy caused by a member appointed by the President under paragraph (2)(C)(i) shall be filled by the Secretary in accordance with paragraph (2)(C)(ii). Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.

[(F) CONTINUATION IN OFFICE.—A member of the Council or Committee whose term expires shall continue to serve until the date on which the member's successor takes office.

[(G) REMOVAL.—Any member of the Council appointed under paragraph (2)(D) may be removed for cause by the President or Secretary whoever makes the appointment. Any member of the Committee may be removed for cause by the Secretary.

[(H) CLAIMS AGAINST MEMBERS OF COMMITTEE.—

[(i) IN GENERAL.—A member appointed to the Committee shall have no personal liability under Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member of the Committee.

[(ii) EFFECT ON OTHER LAW.—This subparagraph shall not be construed—

[(I) to affect any other immunity or protection that may be available to a member of the Subcommittee under applicable law with respect to such transactions;

[(II) to affect any other right or remedy against the United States under applicable law; or

[(III) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees.

[(I) ETHICAL CONSIDERATIONS.—

[(i) FINANCIAL DISCLOSURE.—During the entire period that an individual is serving as a member of the Committee, such individual shall be treated as serving as an officer or employee referred to in section 13103(f) of title 5 for purposes of subchapter I of chapter 131 of such title; except that section 13103(d) of such title shall apply without regard to the number of days of service in the position.

[(ii) RESTRICTIONS ON POST-EMPLOYMENT.—For purposes of section 207(c) of title 18, an individual who is a member of the Committee shall be treated as an employee referred to in section 207(c)(2)(A)(i) of such title during the entire period the individual is a member of the Committee; except that subsections (c)(2)(B) and (f) of section 207 of such title shall not apply.

[(J) CHAIRMAN; VICE CHAIRMAN.—The Council shall elect a chair and a vice chair from among the members appointed under paragraph (2)(C), each of whom shall serve for a term of 1 year. The vice chair shall perform the duties of the chairman in the absence of the chairman.

[(K) TRAVEL AND PER DIEM.—Each member of the Council or Committee shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

[(L) DETAIL OF PERSONNEL FROM THE ADMINISTRATION.—The Administrator shall make available to the Council or Committee such staff, information, and administrative services and assistance as may reasonably be required to enable the Council or Committee to carry out its responsibilities under this subsection.

[(7) AIR TRAFFIC SERVICES COMMITTEE.—

[(A) ESTABLISHMENT.—The Administrator shall establish a committee that is independent of the Council by converting the Air Traffic Services Subcommittee of the Council, as in effect on the day before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act, into such committee. The committee shall be known as the Air Traffic Services Committee (in this subsection referred to as the “Committee”).

[(B) MEMBERSHIP AND QUALIFICATIONS.—Subject to paragraph (6)(C), the Committee shall consist of five members, one of whom shall be the Administrator and shall serve as chairperson. The remaining members shall be ap-

pointed by the President with the advice and consent of the Senate and—

[(i) shall have a fiduciary responsibility to represent the public interest;

[(ii) shall be citizens of the United States; and

[(iii) shall be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas and, in the aggregate, should collectively bring to bear expertise in all of the following areas:

[(I) Management of large service organizations.

[(II) Customer service.

[(III) Management of large procurements.

[(IV) Information and communications technology.

[(V) Organizational development.

[(VI) Labor relations.

[(C) PROHIBITIONS ON MEMBERS OF COMMITTEE.—No member of the Committee may—

[(i) have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 208 of title 18;

[(ii) engage in another business related to aviation or aeronautics; or

[(iii) be a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.

[(D) GENERAL RESPONSIBILITIES.—

[(i) OVERSIGHT.—The Committee shall oversee the administration, management, conduct, direction, and supervision of the air traffic control system.

[(ii) CONFIDENTIALITY.—The Committee shall ensure that appropriate confidentiality is maintained in the exercise of its duties.

[(E) SPECIFIC RESPONSIBILITIES.—The Committee shall have the following specific responsibilities:

[(i) STRATEGIC PLANS.—To review, approve, and monitor the strategic plan for the air traffic control system, including the establishment of—

[(I) a mission and objectives;

[(II) standards of performance relative to such mission and objectives, including safety, efficiency, and productivity; and

[(III) annual and long-range strategic plans.

[(ii) MODERNIZATION AND IMPROVEMENT.—To review and approve—

[(I) methods to accelerate air traffic control modernization and improvements in aviation safety related to air traffic control; and

[(II) procurements of air traffic control equipment in excess of \$100,000,000.

[(iii) OPERATIONAL PLANS.—To review the operational functions of the air traffic control system, including—

[(I) plans for modernization of the air traffic control system;

[(II) plans for increasing productivity or implementing cost-saving measures; and

[(III) plans for training and education.

[(iv) MANAGEMENT.—To—

[(I) review and approve the Administrator's appointment of a Chief Operating Officer under section 106(r);

[(II) review the Administrator's selection, evaluation, and compensation of senior executives of the Administration who have program management responsibility over significant functions of the air traffic control system;

[(III) review and approve the Administrator's plans for any major reorganization of the Administration that would impact on the management of the air traffic control system;

[(IV) review and approve the Administrator's cost accounting and financial management structure and technologies to help ensure efficient and cost-effective air traffic control operation; and

[(V) review the performance and compensation of managers responsible for major acquisition projects, including the ability of the managers to meet schedule and budget targets.

[(v) BUDGET.—To—

[(I) review and make recommendations on the budget request of the Administration related to the air traffic control system prepared by the Administrator;

[(II) submit such budget recommendations to the Secretary; and

[(III) base such budget recommendations on the annual and long-range strategic plans.

[(F) COMMITTEE PERSONNEL MATTERS AND EXPENSES.—

[(i) PERSONNEL MATTERS.—The Committee may appoint and terminate for purposes of employment by the Committee any personnel that may be necessary to enable the Committee to perform its duties, and may procure temporary and intermittent services under section 40122.

[(ii) TRAVEL EXPENSES.—Each member of the Committee shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

[(G) ADMINISTRATIVE MATTERS.—

[(i) POWERS OF CHAIR.—Except as otherwise provided by a majority vote of the Committee, the powers of the chairperson shall include—

[(I) establishing committees;

- [(II) setting meeting places and times;
- [(III) establishing meeting agendas; and
- [(IV) developing rules for the conduct of business.

[(ii) MEETINGS.—The Committee shall meet at least quarterly and at such other times as the chairperson determines appropriate.

[(iii) QUORUM.—Three members of the Committee shall constitute a quorum. A majority of members present and voting shall be required for the Committee to take action.

[(H) AUTHORIZATION.—There are authorized to be appropriated to the Committee such sums as may be necessary for the Committee to carry out its activities.

[(q) AIRCRAFT NOISE OMBUDSMAN.—

[(1) ESTABLISHMENT.—There shall be in the Administration an Aircraft Noise Ombudsman.

[(2) GENERAL DUTIES AND RESPONSIBILITIES.—The Ombudsman shall—

[(A) be appointed by the Administrator;

[(B) serve as a liaison with the public on issues regarding aircraft noise; and

[(C) be consulted when the Administration proposes changes in aircraft routes so as to minimize any increases in aircraft noise over populated areas.

[(3) NUMBER OF FULL-TIME EQUIVALENT EMPLOYEES.—The appointment of an Ombudsman under this subsection shall not result in an increase in the number of full-time equivalent employees in the Administration.]

(p) MANAGEMENT ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—*The Administrator shall establish an advisory council which shall be known as the Federal Aerospace Management Advisory Council (in this subsection referred to as the “Council”).*

(2) MEMBERSHIP.—*The Council shall consist of 13 members, who shall consist of—*

(A) a designee of the Secretary of Transportation;

(B) a designee of the Secretary of Defense;

(C) 5 members representing aerospace and technology interests, appointed by the Administrator;

(D) 5 members representing aerospace and technology interests, appointed by the Secretary of Transportation; and

(E) 1 member, appointed by the Secretary of Transportation, who is the head of a union representing air traffic control system employees.

(3) QUALIFICATIONS.—*No officer or employee of the United States Government may be appointed to the Council under subparagraph (C) or (D) of paragraph (2).*

(4) FUNCTIONS.—

(A) IN GENERAL.—

(i) ADVISE; COUNSEL.—The Council shall provide advice and counsel to the Administrator on issues which affect or are affected by the activities of the Administrator.

(ii) *RESOURCE.*—The Council shall function as an oversight resource for management, policy, spending, and regulatory matters under the jurisdiction of the Administrator.

(iii) *SUBMISSIONS TO ADMINISTRATION.*—With respect to Administration management, policy, spending, funding, data management and analysis, safety initiatives, international agreements, activities of the International Civil Aviation Organization, and regulatory matters affecting the aerospace industry and the national air-space system, the Council may—

(I) regardless of whether solicited by the Administrator, submit comments, recommended modifications, proposals, and supporting or dissenting views to the Administrator; and

(II) request the Administrator include in any submission to Congress, the Secretary, or the general public, and in any submission for publication in the Federal Register, a description of the comments, recommended modifications, and dissenting or supporting views received from the Council under subclause (I).

(iv) *REASONING.*—Together with a Council submission that is published or described under clause (iii)(II), the Administrator shall provide the reasons for any differences between the views of the Council and the views or actions of the Administrator.

(v) *COST-BENEFIT ANALYSIS.*—The Council shall review the rulemaking cost-benefit analysis process and develop recommendations to improve the analysis and ensure that the public interest is fully protected.

(vi) *PROCESS REVIEW.*—The Council shall review the process through which the Administration determines to use advisory circulars, service bulletins, and other externally facing guidance and regulatory material.

(B) *MEETINGS.*—The Council shall meet on a regular and periodic basis or at the call of the chair or of the Administrator.

(C) *ACCESS TO DOCUMENTS AND STAFF.*—The Administration may give the Council appropriate access to relevant documents and personnel of the Administration, and the Administrator shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5 (commonly known as the “Freedom of Information Act”), cost data associated with the acquisition and operation of air traffic service systems.

(D) *DISCLOSURE OF COMMERCIAL OR PROPRIETARY DATA.*—Any member of the Council who receives commercial or other proprietary data as provided for in this paragraph from the Administrator shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

(5) *APPLICATION OF CHAPTER 10 OF TITLE 5.*—Chapter 10 of title 5 does not apply to—

(A) the Council;

(B) such aviation rulemaking committees as the Administrator shall designate; or

(C) such aerospace rulemaking committees as the Secretary shall designate.

(6) ADMINISTRATIVE MATTERS.—

(A) TERMS.—Members of the Council appointed under paragraph (2)(C) shall be appointed for a term of 3 years.

(B) TERM FOR AIR TRAFFIC CONTROL REPRESENTATIVE.—The member appointed under paragraph (2)(D) shall be appointed for a term of 3 years, except that the term of such individual shall end whenever the individual no longer meets the requirements of paragraph (2)(D).

(C) VACANCY.—Any vacancy on the Council shall be filled in the same manner as the original appointment, except that any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.

(D) CONTINUATION IN OFFICE.—A member of the Council whose term expires shall continue to serve until the date on which the member's successor takes office.

(E) REMOVAL.—Any member of the Council appointed under paragraph (2) may be removed for cause by whomsoever makes the appointment.

[(F) CHAIR; VICE CHAIR.—The Council shall elect a chair and a vice chair from among the members appointed under subparagraphs (C) and (D) of paragraph (2), each of whom shall serve for a term of 1 year. The vice chair shall perform the duties of the chair in the absence of the chair.]

(G) TRAVEL AND PER DIEM.—Each member of the Council shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from the usual place of residence of the member, in accordance with section 5703 of title 5.

(H) DETAIL OF PERSONNEL FROM THE ADMINISTRATION.—The Administrator shall make available to the Council such staff, information, and administrative services and assistance as may reasonably be required to enable the Council to carry out its responsibilities under this subsection.

(q) AVIATION NOISE OFFICER.—

(1) IN GENERAL.—The Administration has an Aviation Noise Officer, who shall be appointed by the Administrator.

(2) REGIONAL OFFICERS.—The Aviation Noise Officer shall designate, within each region of the Administration, a Regional Aviation Noise Officer.

(3) DUTIES.—The Aviation Noise Officer, in coordination with the Regional Aviation Noise Officers, shall—

(A) serve as a liaison with the public, including community groups, on issues regarding aircraft noise;

(B) make recommendations to the Administrator to address concerns raised by the public in decision making processes; and

(C) be consulted when the Administration proposes changes in aircraft routes so as to minimize any increases in aircraft noise over populated areas.

(4) *NUMBER OF FULL-TIME EQUIVALENT EMPLOYEES.*—*The appointment of an Aviation Noise Officer under this subsection shall not result in an increase in the number of full-time equivalent employees in the Administration.*

(F) CHIEF OPERATING OFFICER.—

(1) IN GENERAL.—

[(A) APPOINTMENT.—There shall be a Chief Operating Officer for the air traffic control system to be appointed by the Administrator, with the approval of the Air Traffic Services Committee. The Chief Operating Officer shall report directly to the Administrator and shall be subject to the authority of the Administrator.]

(A) *APPOINTMENT.*—*There shall be a Chief Operating Officer for the air traffic control system that is appointed by the Administrator and subject to the authority of the Administrator.*

(B) QUALIFICATIONS.—The Chief Operating Officer shall have a demonstrated ability in management and knowledge of or experience in aviation.

(C) TERM.—The Chief Operating Officer shall be appointed for a term of 5 years.

(D) REMOVAL.—The Chief Operating Officer shall serve at the pleasure of the Administrator, except that the Administrator shall make every effort to ensure stability and continuity in the leadership of the air traffic control system.

(E) VACANCY.—Any individual appointed to fill a vacancy in the position of Chief Operating Officer occurring before the expiration of the term for which the individual's predecessor was appointed [shall be appointed for the remainder of that term] *may be appointed for either the remainder of the term or for a full term.*

(2) COMPENSATION.—

(A) IN GENERAL.—The Chief Operating Officer shall be paid at an annual rate of basic pay to be determined by the Administrator[, with the approval of the Air Traffic Services Committee]. The annual rate may not exceed the annual compensation paid under section 102 of title 3. The Chief Operating Officer shall be subject to the post-employment provisions of section 207 of title 18 as if the position of Chief Operating Officer were described in section 207(c)(2)(A)(i) of that title.

(B) BONUS.—In addition to the annual rate of basic pay authorized by subparagraph (A), the Chief Operating Officer may receive a bonus for any calendar year not to exceed 30 percent of the annual rate of basic pay, based upon the Administrator's evaluation of the Chief Operating Officer's performance in relation to the performance goals set forth in the performance agreement described in paragraph (3).

(3) ANNUAL PERFORMANCE AGREEMENT.—The Administrator and the Chief Operating Officer[, in consultation with the Air Traffic Services Committee,] shall enter into an annual performance agreement that sets forth measurable organization and individual goals for the Chief Operating Officer in key

operational areas. The agreement shall be subject to review and renegotiation on an **annual basis.** *annual basis and shall include responsibility for—*

- (A) *the state of good repair of the air traffic control system;*
- (B) *the continuous improvement of the safety and efficiency of the air traffic control system; and*
- (C) *identifying services and solutions to increase the safety and efficiency of airspace use and to support the safe integration of all airspace users.*

(4) ANNUAL PERFORMANCE REPORT.—The Chief Operating Officer shall prepare and transmit to the Secretary of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate an annual management report containing **such information as may be prescribed by the Secretary** *the annual performance agreement required under paragraph (3), an assessment of the performance of the Chief Operating Officer in relation to the performance goals in the previous year's performance agreement, and such other information as may be prescribed by the Administrator.*

(5) RESPONSIBILITIES.—The Administrator may delegate to the **Chief Operating Officer, or any other authority within the Administration responsibilities, including** *Chief Operating Officer any authority of the Administrator and shall delegate, at a minimum the following:*

(A) STRATEGIC PLANS.—To implement the strategic plan of the Administration for the air traffic control system in order to further—

- (i) a mission and objectives;
- (ii) standards of performance relative to such mission and objectives, including safety, efficiency, and productivity;
- (iii) annual and long-range strategic plans; **and**
- (iv) methods of the Administration to accelerate air traffic control modernization and improvements in aviation safety related to air traffic control**;** *and*
- (v) *plans to integrate new entrant operations into the national airspace system and associated action items.*

(B) OPERATIONS.—To oversee the day-to-day operational functions of the Administration for air traffic control, including—

- (i) modernization of the air traffic control system;
- (ii) increasing productivity or implementing cost-saving measures;
- (iii) training and education; and
- (iv) the management of cost-reimbursable contracts.

(C) BUDGET.—To—

- (i) develop a budget request of the Administration related to the air traffic control system;
- (ii) submit such budget request to the Administrator **and the Committee**; and
- (iii) ensure that the budget request supports the agency's annual and long-range strategic plans for air traffic control services.

(6) *UNFUNDED CAPITAL INVESTMENT NEEDS REPORT.*—

(A) *IN GENERAL.*—Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1150 of title 31, the Chief Operating Officer shall submit directly to the Administrator, the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on any unfunded capital investment needs of the air traffic control system.

(B) *CONTENTS OF REPORT.*—The report required under subparagraph (A) shall include, for each unfunded capital investment need, the following:

(i) A summary description of such unfunded capital investment need.

(ii) Objective to be achieved if such unfunded capital investment need is funded in whole or in part.

(iii) The additional amount of funds recommended in connection with such objective.

(iv) The Budget Line Item Program and Budget Line Item number associated with such unfunded capital investment need, as applicable.

(v) Any statutory requirement associated with such unfunded capital investment need, as applicable.

(C) *PRIORITIZATION OF REQUIREMENTS.*—The report required under subparagraph (A) shall present unfunded capital investment needs in overall urgency of priority.

(D) *DEFINITION OF UNFUNDED CAPITAL INVESTMENT NEED.*—In this paragraph the term “unfunded capital investment need” means a program that—

(i) is not funded in the budget of the President for the fiscal year as submitted to Congress pursuant to section 1105 of title 31;

(ii) is for infrastructure or a system related to necessary modernization or sustainment of the air traffic control system;

(iii) is listed for any year in the most recent National Airspace System Capital Investment Plan of the Administration; and

(iv) would have been recommended for funding through the budget referred to in subparagraph (A) by the Chief Operating Officer if—

(I) additional resources had been available for the budget to fund the program, activity, or mission requirement; or

(II) the program, activity, or mission requirement has emerged since the budget was formulated.

[(8)] (7) *AIR TRAFFIC CONTROL SYSTEM DEFINED.*—In this section, the term “air traffic control system” has the meaning such term has under section 40102(a).

(s) *CHIEF TECHNOLOGY OFFICER.*—

(1) *IN GENERAL.*—

(A) *ESTABLISHMENT.*—There shall be a Chief Technology Officer for the air traffic control system that shall report di-

rectly to the Chief Operating Officer of the air traffic control system.

[(A)] (B) APPOINTMENT.—[There shall be a Chief Technology Officer appointed by the Chief Operating Officer. The Chief Technology Officer shall report directly to the Chief Operating Officer.] *The Chief Technology Officer shall be appointed by the Chief Operating Officer of the air traffic control system with the consent of the Administrator.*

[(B)] (C) MINIMUM QUALIFICATIONS.—The Chief Technology Officer shall have—

(i) at least 10 years experience in engineering [management] *management, systems management*, or another relevant technical management field; and

(ii) knowledge of or experience in the aviation industry.

[(C)] (D) REMOVAL.—The Chief Technology Officer shall serve at the pleasure of the Administrator.

[(D)] RESTRICTION.—The Chief Technology Officer may not also be the Deputy Administrator.]

(2) RESPONSIBILITIES.—The responsibilities of the Chief Technology Officer shall include—

(A) ensuring the proper operation, maintenance, and cybersecurity of technology systems relating to the air traffic control system across all [program] offices of the Administration;

(B) coordinating the implementation, operation, maintenance, and cybersecurity of technology programs relating to the air traffic control system with the aerospace industry and other Federal agencies;

(C) reviewing and providing advice to the Secretary, the Administrator, and the Chief Operating Officer on the Administration's budget, cost-accounting system, and benefit-cost analyses with respect to technology programs relating to the air traffic control system;

(D) consulting with the Administrator on the Capital Investment Plan of the Administration prior to its submission to Congress;

(E) developing an annual air traffic control system technology operation and maintenance plan that is consistent with the annual performance targets established under paragraph (4); and

(F) ensuring that the air traffic control system architecture remains, to the maximum extent practicable, flexible enough to incorporate future technological advances developed and directly procured by [aircraft operators] *the Administration, aircraft operators, or other private providers of information and services related to air traffic management.*

(3) COMPENSATION.—

(A) IN GENERAL.—The Chief Technology Officer shall be paid at an annual rate of basic pay to be determined by the Administrator, in consultation with the Chief Operating Officer. The annual rate may not exceed the annual compensation paid under section 102 of title 3. [The Chief Technology Officer shall be subject to the postemployment

provisions of section 207 of title 18 as if the position of Chief Technology Officer were described in section 207(c)(2)(A)(i) of that title.】

(B) *POST-EMPLOYMENT.*—*The Chief Technology Officer shall be subject to the postemployment provisions of section 207 of title 18 as if the position of Chief Technology Officer were described in section 207(c)(2)(A)(i) of such title.*

【(B)】 (C) *BONUS.*—In addition to the annual rate of basic pay authorized by subparagraph (A), the Chief Technology Officer may receive a bonus for any calendar year not to exceed 30 percent of the annual rate of basic pay, based upon the Administrator’s evaluation of the Chief Technology Officer’s performance in relation to the performance targets established under paragraph (4).

(4) ANNUAL PERFORMANCE TARGETS.—

(A) *IN GENERAL.*—The Administrator and the Chief Operating Officer, in consultation with the Chief Technology Officer, shall establish measurable annual performance targets for the Chief Technology Officer in key operational areas.

(B) *REPORT.*—The Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the annual performance targets established under subparagraph (A).

(5) ANNUAL PERFORMANCE REPORT.—The Chief Technology Officer shall prepare and transmit to the Secretary of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate an annual report containing—

(A) detailed descriptions and metrics of how successful the Chief Technology Officer was in meeting the annual performance targets established under paragraph (4); and

(B) other information as may be requested by the Administrator and the Chief Operating Officer.

(t) OFFICE OF WHISTLEBLOWER PROTECTION AND AVIATION SAFETY INVESTIGATIONS.—

(1) *ESTABLISHMENT.*—There is established in the Federal Aviation Administration (in this subsection referred to as the “Agency”) the Office of Whistleblower Protection and Aviation Safety Investigations (in this subsection referred to as the “Office”).

(2) *DIRECTOR.*—

(A) *APPOINTMENT.*—The head of the Office shall be the Director, who shall be appointed by the Secretary of Transportation.

(B) *QUALIFICATIONS.*—The Director shall have a demonstrated ability in investigations and knowledge of or experience in aviation.

(C) *TERM.*—The Director shall be appointed for a term of 5 years.

(D) *VACANCIES.*—Any individual appointed to fill a vacancy in the position of the Director occurring before the

expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

(E) LIMITATION OF DUTIES.— The Director may only perform duties of the Director described in paragraph (3)(A).

(3) COMPLAINTS AND INVESTIGATIONS.—

(A) AUTHORITY OF DIRECTOR.—The Director shall—

(i) receive complaints and information submitted by employees of persons holding certificates issued under title 14, Code of Federal Regulations (if the certificate holder does not have a similar in-house whistleblower or safety and regulatory noncompliance reporting process established under or pursuant to a safety management system) and employees of the Agency concerning the possible existence of an activity relating to a violation of an order, a regulation, or any other provision of Federal law relating to aviation safety;

(ii) assess complaints and information submitted under clause (i) and determine whether a substantial likelihood exists that a violation of an order, a regulation, or any other provision of Federal law relating to aviation safety has occurred;

(iii) based on findings of the assessment conducted under clause (ii), make recommendations to the Administrator of the Agency, in writing, regarding further investigation or corrective actions;

(iv) receive allegations of whistleblower retaliation by employees of the Agency;

(v) coordinate with and provide all necessary assistance to the Office of Investigations and Professional Responsibility, the inspector general of the Department of Transportation, and the Office of Special Counsel on investigations relating to whistleblower retaliation by employees of the Agency; and

(vi) investigate allegations of whistleblower retaliation by employees of the Agency that have been delegated to the Office by the Office of Investigations and Professional Responsibility, the inspector general of the Department of Transportation, or the Office of Special Counsel.

(B) DISCLOSURE OF IDENTITIES.—The Director shall not disclose the identity of an individual who submits a complaint or information under subparagraph (A)(i) unless—

(i) the individual consents to the disclosure in writing; or

(ii) the Director determines, in the course of an investigation, that the disclosure is required by regulation, statute, or court order, or is otherwise unavoidable, in which case the Director shall provide the individual reasonable advanced notice of the disclosure.

(C) INDEPENDENCE OF DIRECTOR.—The Secretary, the Administrator, or any officer or employee of the Agency may not prevent or prohibit the Director from initiating, carrying out, or completing any assessment of a complaint

or information submitted under subparagraph (A)(i) or from reporting to Congress on any such assessment.

(D) ACCESS TO INFORMATION.—In conducting an assessment of a complaint or information submitted under subparagraph (A)(i), the Director shall have access to all records, reports, audits, reviews, documents, papers, recommendations, and other material of the Agency necessary to determine whether a substantial likelihood exists that a violation of an order, a regulation, or any other provision of Federal law relating to aviation safety may have occurred.

(4) RESPONSES TO RECOMMENDATIONS.—Not later than 60 days after the date on which the Administrator receives a report with respect to an investigation, the Administrator shall respond to a recommendation made by the Director under paragraph (3)(A)(iii) in writing and retain records related to any further investigations or corrective actions taken in response to the recommendation.

(5) INCIDENT REPORTS.—If the Director determines there is a substantial likelihood that a violation of an order, a regulation, or any other provision of Federal law relating to aviation safety has occurred that requires immediate corrective action, the Director shall report the potential violation expeditiously to the Administrator and the Inspector General of the Department of Transportation.

(6) REPORTING OF CRIMINAL VIOLATIONS TO INSPECTOR GENERAL.—If the Director has reasonable grounds to believe that there has been a violation of Federal criminal law, the Director shall report the violation expeditiously to the Inspector General.

(7) ANNUAL REPORTS TO CONGRESS.—Not later than November 15 of each year, the Director shall submit to Congress a report containing—

[(A) information on the number of submissions of complaints and information received by the Director under paragraph (3)(A)(i) in the preceding fiscal year;

[(B) summaries of those submissions;

[(C) summaries of the resolution of those submissions, including any further investigations and corrective actions recommended in response to the submissions;

[(D) summaries of the responses of the Administrator to such recommendations; and

[(E) A summary of the activities of the Whistleblower Ombudsman, including—

[(i) the number of employee consultations conducted by the Whistleblower Ombudsman in the preceding 12-month period and a summary of such consultations and their resolution (in a de-identified or anonymized form); and

[(ii) the number of reported incidents of retaliation during such period and, if applicable, a description of the disposition of such incidents during such period.]

(7) DEPARTMENT OF TRANSPORTATION OFFICE OF THE INSPECTOR GENERAL PEER REVIEW.—

(A) *IN GENERAL.*—Not later than 2 years after the date of enactment of the *Securing Growth and Robust Leadership in American Aviation Act*, and every 5 years thereafter, the inspector general of the Department of Transportation shall perform a peer review of the Office of Whistleblower Protection and Aviation Safety Investigations.

(B) *PEER REVIEW SCOPE.*—In completing the peer reviews required under this paragraph, the inspector general shall use the most recent peer review guides published by the Council of the Inspectors General on Integrity and Efficiency Audit Committee and Investigations Committee.

(C) *REPORTS TO CONGRESS.*—Not later than 90 days after the completion of a peer review required under this paragraph, the inspector general shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a description of any actions taken or to be taken to address the results of the peer review.

(8) **WHISTLEBLOWER OMBUDSMAN.**—

(A) *IN GENERAL.*—Within the Office, there shall be established the position of Whistleblower Ombudsman.

(B) *OMBUDSMAN QUALIFICATIONS.*—The individual selected as Ombudsman shall have knowledge of Federal labor law and demonstrated government experience in human resource management[,] and conflict resolution.

(C) *DUTIES.*—The Ombudsman shall carry out the following duties:

(i) Educate Administration employees about prohibitions against materially adverse acts of retaliation and any specific rights or remedies with respect to those retaliatory actions.

(ii) Serve as an independent confidential resource for Administration employees to discuss any specific retaliation allegation and available rights or remedies based on the circumstances, as appropriate.

(iii) Coordinate with Human Resource Management, the Office of Accountability and Whistleblower Protection, the Office of Professional Responsibility, and the Office of the Chief Counsel, as necessary.

(iv) Coordinate with the Office of the Inspector General of the Department of Transportation's Whistleblower Protection Coordinator and the Office of the Special Counsel, as necessary.

(v) Conduct outreach and assist in the development of training within the Agency to mitigate the potential for retaliation and promote timely and appropriate processing of any protected disclosure or allegation of materially adverse acts of retaliation.

* * * * *

§ 120. National Center for the Advancement of Aerospace

(a) *FEDERAL CHARTER AND STATUS.*—

(1) *IN GENERAL.*—The National Center for the Advancement of Aerospace (in this section referred to as the “Center”) is a fed-

erally chartered entity which shall be incorporated in the District of Columbia. The Center is a private independent entity, not a department, agency, or instrumentality of the United States Government or a component thereof. Except as provided in subsection (f)(1), an officer or employee of the Center is not an officer or employee of the Federal Government.

(2) *PERPETUAL EXISTENCE.*—Except as otherwise provided, the Center shall have perpetual existence.

(b) *GOVERNING BODY.*—

(1) *IN GENERAL.*—The Board of Directors (in this section referred to as the “Board”) is the governing body of the Center.

(2) *AUTHORITY.*—

(A) *IN GENERAL.*—The Board shall adopt bylaws, policies, and procedures to carry out the purpose of the Center and may take any other action that it considers necessary (in accordance with the duties and powers of the Center) for the management and operation of the Center. The Board is responsible for the general policies and management of the Center and for the control of all funds of the Center.

(B) *POWERS OF BOARD.*—The Board shall have the power to do the following:

(i) Adopt and alter a corporate seal.

(ii) Establish and maintain offices to conduct its activities.

(iii) Enter into contracts or agreements as a private entity not subject to the requirements of title 41.

(iv) Acquire, own, lease, encumber, transfer, and dispose of property as necessary and appropriate to carry out the purposes of the Center.

(v) Publish documents and other publications in a publicly accessible manner.

(vi) Incur and pay obligations as a private entity not subject to the requirements of title 31.

(vii) Perform any other act necessary and proper to carry out the purposes of the Center as described in its bylaws or duties outlined in this section.

(3) *MEMBERSHIP OF THE BOARD.*—

(A) *IN GENERAL.*—The Board shall have 10 Directors as follows:

(i) *EX-OFFICIO MEMBERSHIP.*—The following individuals, or their designees, shall be considered ex-officio members of the Board:

(I) The Administrator of the Federal Aviation Administration.

(II) The Executive Director, pursuant to paragraph (5)(D).

(ii) *APPOINTMENTS.*—

(I) *IN GENERAL.*—From among those members of the public who are highly respected and have expert knowledge and experience in the fields of aviation, finance, or academia—

(aa) the Secretary of Transportation shall appoint 5 members to the Board;

(bb) the Secretary of Defense shall appoint 1 member to the Board;

(cc) the Secretary of Veterans Affairs shall appoint 1 member to the Board; and

(dd) the Secretary of Education shall appoint 1 member to the Board.

(II) TERMS.—

(aa) IN GENERAL.—The members appointed under subclause (I) shall serve for a term of 3 years and may be reappointed.

(bb) STAGGERING TERMS.—The Board shall stagger the duration of the terms of the initial members appointed to promote the stability of the Board.

(B) VACANCIES.—A vacancy on the Board shall be filled in the same manner as the initial appointment.

(C) STATUS.—All Members of the Board shall have equal voting powers, regardless if they are ex-officio members or appointed.

(4) CHAIR OF THE BOARD.—The Board shall choose a Chair of the Board from among the members of the Board that are not ex-officio members under paragraph (3)(A)(i).

(5) ADMINISTRATIVE MATTERS.—

(A) MEETINGS.—

(i) IN GENERAL.—The Board shall meet at the call of the Chair but not less than 2 times each year and may, as appropriate, conduct business by telephone or other electronic means.

(ii) OPEN.—

(I) IN GENERAL.—Except as provided in subclause (II), a meeting of the Board shall be open to the public.

(II) EXCEPTION.—A meeting, or any portion of a meeting, may be closed if the Board, in public session, votes to close the meeting because the matters to be discussed—

(aa) relate solely to the internal personnel rules, practices, and matters of the Center;

(bb) may result in disclosure of commercial or financial information obtained from a person that is privileged or confidential;

(cc) may disclose information of a personal nature where disclosure would constitute an unwarranted invasion of personal privacy; or

(dd) are matters that are specifically exempted from disclosure by Federal or District of Columbia law.

(iii) PUBLIC ANNOUNCEMENT.—At least 1 week before a meeting of the Board, and as soon as practicable thereafter if there are any changes to the information described in subclauses (I) through (III), the Board shall make a public announcement of the meeting that describes—

(I) the time, place, and subject matter of the meeting;

(II) whether the meeting is to be open or closed to the public; and

(III) the name and appropriate contact information of a person who can respond to requests for information about the meeting.

(iv) RECORD.—The Board shall keep minutes from each Board meeting. Such minutes shall be made available to the public in an accessible format, except for portions of the meeting that are closed pursuant to subparagraph (A)(ii)(II).

(B) QUORUM.—A majority of members of the Board shall constitute a quorum.

(C) CODE OF ETHICS.—The Board shall adopt a code of ethics for Directors, officers, agents, and employees of the Center to—

(i) prevent inappropriate conflicts of interest and promote good employee conduct; and

(ii) at a minimum, prohibit any member of the Board from participating in any proceeding, application, ruling, or other determination, contract claim, award, controversy, or other matter in which the member, the member's employer or prospective employer, or the member's immediate family member has a direct financial interest.

(D) EXECUTIVE DIRECTOR.—The Board shall appoint and fix the pay of an Executive Director of the Center (in this section referred to as the "Executive Director") who shall—

(i) serve as an *ex officio* Member of the Board;

(ii) serve at the pleasure of the Board, under such terms and conditions as the Board shall establish;

(iii) is subject to removal by the Board at the discretion of the Board; and

(iv) be responsible for the daily management and operation of the Center and for carrying out the purposes and duties of the Center.

(E) APPOINTMENT OF PERSONNEL.—The Board shall delegate to the Executive Director the authority to appoint additional personnel as the Board considers appropriate and necessary to carry out the purposes and duties of the Center.

(6) RECORDS.—The Board shall keep correct and complete records of accounts.

(7) PUBLIC INFORMATION.—With the exception of the matters described in subsection (b)(5)(A)(ii)(II), nothing in this section may be construed to withhold disclosure of information or records that are subject to disclosure under section 552 of title 5.

(c) PURPOSE.—The purpose of the Center is to—

(1) develop a skilled and robust aerospace workforce in the United States;

(2) provide a forum to support collaboration and cooperation between governmental, nongovernmental, and private aerospace sector stakeholders regarding the advancement of the aerospace workforce, including general, business, and commercial aviation, education, labor, manufacturing, international organizations, and commercial space transportation organizations;

(3) serve as a repository for research conducted by institutions of higher education, research institutions, or other stakeholders regarding the aerospace workforce and related technical and skill development.

(4) serve as a centralized resource that provides comprehensive and relevant information sources on the following:

(A) Aviation pathway programs and professional development opportunities.

(B) Aviation apprenticeship, scholarship, and internship programs.

(C) Aviation-related curricula and resources about aviation occupations and career pathways developed for students, teachers, and guidance counselors at all levels of education.

(D) Aviation industry organizations.

(d) *DUTIES.*—In order to accomplish the purpose described in subsection (c), the Center shall perform the following duties:

(1) Improve access to aerospace education and related skills training to help grow the U.S. aerospace workforce, including by—

(A) assessing the state of the aerospace workforce, including challenges and identifying actions to address such challenges;

(B) developing a comprehensive workforce strategy to help coordinate workforce development initiatives;

(C) establishing or supporting apprenticeship, scholarship, internship, and mentorship programs that assist individuals who wish to pursue a career in an aerospace-related field;

(D) supporting the development of aerospace education curricula, including syllabi, training materials, and lesson plans, for use by an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), a postsecondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002)), or a high school or secondary school (as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)); and

(E) building awareness of youth-oriented aerospace programs and other robust outreach programs, including for primary, secondary, and post-secondary school students.

(F) supporting the professional development of teachers using the curricula, syllabi, training materials, and lesson plans described in subparagraph (D); and

(G) developing an array of educational and informative aviation-related educational activities and materials for students of varying ages and levels of education to use in the classroom and at home.

(2) Support personnel or veterans of the Armed Forces seeking to transition to a career in aerospace through outreach, training, scholarships, apprenticeships, or other means.

(3) Amplify and support the work carried out at the Centers of Excellence and Technical Centers of the Federal Aviation Administration regarding the aerospace workforce, or related tech-

nical and skills advancement, including organizing and hosting symposiums, conferences, and other forums as appropriate.

(4) Administer on behalf of the Secretary of the Department of Transportation the Cooperative Aviation Recruitment, Enrichment, and Employment Readiness Program established by subsection (a) of 40131.

(e) DUTY TO MAINTAIN TAX-EXEMPT STATUS.—The Center shall be operated in a manner and for purposes that qualify the Center for exemption from taxation under the Internal Revenue Code as an organization described in section 501(c)(3) of such Code.

(f) ADMINISTRATIVE MATTERS OF CENTER.—

(1) DETAILEES.—

(A) IN GENERAL.—At the request of the Center, the head of any Federal agency or department may, at the discretion of such agency or department, detail to the Center, on a reimbursable basis, an employee of the agency or department.

(B) CIVIL SERVANT STATUS.—The detail of an employee under subparagraph (A) shall be without interruption or loss of civil service status or privilege.

(2) NAMES AND SYMBOLS.—The Center may accept, retain, and use proceeds derived from the Center's use of the exclusive right to use its name and seal, emblems, and badges incorporating such name as lawfully adopted by the Board in furtherance of the purpose and duties of the Center.

(3) GIFTS, GRANTS, BEQUESTS, AND DEVICES.—The Center may accept, retain, use, and dispose of gifts, grants, bequests, or devises of money, services, or property from any public or private source for the purpose of covering the costs incurred by the Center in furtherance of the purpose and duties of the Center.

(4) VOLUNTARY SERVICES.—The Center may accept voluntary services from any person that are provided in furtherance of the purpose and duties of the Center.

(g) RESTRICTIONS.—

(1) PROFIT.—The Center may not engage in business activity for profit.

(2) STOCKS AND DIVIDENDS.—The Center may not issue any shares of stock or declare or pay any dividends.

(3) POLITICAL ACTIVITIES.—The Center shall be nonpolitical and may not provide financial aid or assistance to, or otherwise contribute to or promote the candidacy of, any individual seeking elective public office or political party. The Center may not engage in activities that are, directly, or indirectly, intended to be or likely to be perceived as advocating or influencing the legislative process.

(4) DISTRIBUTION OF INCOME OR ASSETS.—The assets of the Center may not inure to the benefit of any member of the Board, or any officer or employee of the Center or be distributed to any person. This paragraph does not prevent the payment of reasonable compensation to any officer, employee, or other person or reimbursement for actual and necessary expenses in amounts approved by the Board.

(5) LOANS.—The Center may not make a loan to any member of the Board or any officer or employee of the Center.

(6) NO CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—Except as otherwise provided by section 40131, the Center may

not claim approval of Congress or of the authority of the United States for any of its activities.

(h) **ADVISORY COMMITTEE.**—

(1) **IN GENERAL.**—The Executive Director shall appoint members to an advisory committee subject to approval by the Board. Members of the Board may not sit on the advisory committee.

(2) **MEMBERSHIP.**—The advisory committee shall consist of not more than 15 members who represent various aviation industry and labor stakeholders, stakeholder associations, and others as determined appropriate by the Board. The advisory committee shall select a Chair and Vice Chair from among its members by majority vote.

(3) **DUTIES.**—The advisory committee shall—

(A) provide recommendations to the Board on an annual basis regarding the priorities for the activities of the Center;

(B) consult with the Board on an ongoing basis regarding the appropriate powers of the Board to accomplish the purposes and duties of the Center; and

(C) provide relevant data and information to the Center in order to carry out the duties set forth in subsection (d).

(4) **MEETINGS.**—The provisions for meetings of the Board under subsection (b)(5) shall apply as similarly as is practicable to meetings of the advisory committee.

(i) **WORKING GROUPS.**—

(1) **IN GENERAL.**—The Board may establish working groups as determined necessary and appropriate to achieve the purpose of the Center under subsection (c).

(2) **MEMBERSHIP.**—Any working group established by the Board shall be composed of private sector representatives, stakeholder associations, members of the public, labor representatives, and other relevant parties, as determined appropriate by the Board. Once established, the membership of such working group shall choose a Chair from among the members of the working group by majority vote.

(j) **CAREER COUNCIL.**—

(1) **ESTABLISHMENT.**—Not later than September 30, 2026, the Executive Director, in coordination with the Secretary, shall establish a council (in this section referred to as the “CAREER Council”) for the CAREER Program established under section 40131.

(2) **DUTIES.**—The CAREER Council shall aid the Secretary and the Center in carrying out the CAREER Program by reviewing grant applications and recommending grant recipients.

(3) **APPOINTMENT.**—The CAREER Council shall be appointed from candidates nominated by national associations representing various sectors of the aviation industry, including—

(A) general aviation;

(B) commercial aviation;

(C) aviation labor, including collective bargaining representatives of Federal Aviation Administration aviation safety inspectors, aviation safety engineers, and air traffic controllers;

(D) aviation maintenance, repair, and overhaul; and

(E) unmanned aviation.

(4) *TERM.*—Each council member appointed under paragraph (3) shall serve a term of 4 years.

(k) *ANNUAL REPORT.*—The Board shall submit an annual report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that, at minimum, includes a review and examination of—

- (1) the activities performed as set forth in subsection (d) during the prior fiscal year;
- (2) the advisory committee described in subsection (h);
- (3) the working groups described in subsection (i); and
- (4) the Cooperative Aviation Recruitment, Enrichment, and Employment Readiness Program and related activities established under section 40131, including activities of the CAREER Council established under subsection (j).

(l) *AUDIT BY DEPARTMENT OF TRANSPORTATION INSPECTOR GENERAL.*—

(1) *IN GENERAL.*—Not later than 2 years after the date on which the Center is established under subsection (a), the inspector general of the Department of Transportation shall conduct a review of the Center.

(2) *CONTENTS.*—The review shall—

(A) include, at a minimum, an evaluation of the efforts taken at the Center to achieve the purpose set forth in subsection (c); and

(B) provide any other information that the inspector general determines is appropriate.

(3) *REPORT ON AUDIT.*—

(A) *REPORT TO SECRETARY.*—Not later than 30 days after the date of completion of the audit, the inspector general shall submit to the Secretary a report on the results of the audit.

(B) *REPORT TO CONGRESS.*—Not later than 60 days after the date of receipt of the report under subparagraph (A), the Secretary shall submit to the appropriate committees of Congress a copy of the report, together with, if appropriate, a description of any actions taken or to be taken to address the results of the audit.

(m) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to the National Center for the Advancement of Aerospace out of the Airport and Airway Trust Fund to carry out this section—

- (1) \$10,000,000 for fiscal year 2024;
- (2) \$10,000,000 for fiscal year 2025;
- (3) \$10,000,000 for fiscal year 2026;
- (4) \$11,000,000 for fiscal year 2027; and
- (5) \$11,000,000 for fiscal year 2028.

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CHAPTER 3—GENERAL DUTIES AND POWERS

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SUBCHAPTER I—DUTIES OF THE SECRETARY OF
TRANSPORTATION

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§ 308. Reports

(a) As soon as practicable after the end of each fiscal year, the Secretary of Transportation shall report to the President, for submission to Congress, on the activities of the Department of Transportation during the prior fiscal year.

[(b) The Secretary shall submit to the President and Congress each year a report on the aviation activities of the Department. The report shall include—

[(1) collected information the Secretary considers valuable in deciding questions about—

[(A) the development and regulation of civil aeronautics;

[(B) the use of airspace of the United States; and

[(C) the improvement of the air navigation and traffic control system; and

[(2) recommendations for additional legislation and other action the Secretary considers necessary.]

[(c)] (b) The Secretary shall submit to Congress each year a report on the conditions of the public ports of the United States, including the—

(1) economic and technological development of the ports;

(2) extent to which the ports contribute to the national welfare and security; and

(3) factors that may impede the continued development of the ports.

[(e)] (c)(1) The Secretary shall submit to Congress in March 1998, and in March of each even-numbered year thereafter, a report of estimates by the Secretary on the current performance and condition of public mass transportation systems with recommendations for necessary administrative or legislative changes.

(2) In reporting to Congress under this subsection, the Secretary shall prepare a complete assessment of public transportation facilities in the United States. The Secretary also shall assess future needs for those facilities and estimate future capital requirements and operation and maintenance requirements for one-year, 5-year, and 10-year periods at specified levels of service.

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SUBCHAPTER II—ADMINISTRATIVE

* * * * *

§ 329. Transportation information

(a) The Secretary of Transportation may collect and collate transportation information the Secretary decides will contribute to the improvement of the transportation system of the United States. To the greatest practical extent, the Secretary shall use information available from departments, agencies, and instrumentalities of the United States Government and other sources. To the extent practical, the Secretary shall make available to other Government departments, agencies, and instrumentalities and to the public the information collected under this subsection.

(b) The Secretary shall—

(1) collect and disseminate information on civil aeronautics (other than that collected and disseminated by the National Transportation Safety Board under chapter 11 of this title) including, at a minimum, information on (A) the origin and destination of passengers in interstate air transportation (as that term is used in part A of subtitle VII of this title), and (B) the number of passengers traveling by air between any two points in interstate air transportation; except that in no case shall the Secretary require an air carrier to provide information on the number of passengers or the amount of cargo on a specific flight if the flight and the flight number under which such flight operates are used solely for interstate air transportation and are not used for providing essential air transportation under subchapter II of chapter 417 of this title;

(2) *collect and disseminate information on commercial space transportation operations (other than that collected and disseminated by the National Transportation Safety Board under chapter 11) including, at a minimum, information on the number of launches or reentries licensed by the Secretary, the number of space flight participants, the number of payloads, and the mass of payloads, organized by class of orbit;*

[(2)] (3) study the possibilities of developing air commerce and the [aeronautical] aerospace industry; and

[(3)] (4) exchange information on [civil aeronautics] *civil aerospace* with governments of foreign countries through appropriate departments, agencies, and instrumentalities of the Government.

(c)(1) On the written request of a person, a State, territory, or possession of the United States, or a political subdivision of a State, territory, or possession, the Secretary may—

(A) make special statistical studies on foreign and domestic transportation;

(B) make special studies on other matters related to duties and powers of the Secretary;

(C) prepare, from records of the Department of Transportation, special statistical compilations; and

(D) provide transcripts of studies, tables, and other records of the Department.

(2) The person or governmental authority requesting information under paragraph (1) of this subsection must pay the actual cost of preparing the information. Payments shall be deposited in the Treasury in an account that the Secretary shall administer. The Secretary may use amounts in the account for the ordinary expenses incidental to getting and providing the information.

(d) To assist in carrying out duties and powers under part A of subtitle VII of this title, the Secretary of Transportation shall maintain separate cooperative agreements with the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration for the timely exchange of information on their programs, policies, and requirements directly related to carrying out that part.

(e) INCIDENTS AND COMPLAINTS INVOLVING PASSENGER AND BAGGAGE SECURITY SCREENING.—

(1) *ACCIDENT.*—The term “accident” includes damage to or destruction of vehicles in surface or air transportation or pipelines, regardless of whether the initiating event is accidental or otherwise.

(2) *STATE.*—The term “State” means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, the Northern Mariana Islands, and Guam.

(b) *APPLICABILITY OF OTHER DEFINITIONS.*—Section 2101(23) of title 46 and section 40102(a) shall apply to this chapter.

SUBCHAPTER II—ORGANIZATION AND ADMINISTRATIVE

* * * * *

§ 1113. Administrative

(a) *GENERAL AUTHORITY.*—(1) The National Transportation Safety Board, and when authorized by it, a member of the Board, an administrative law judge employed by or assigned to the Board, or an officer or employee designated by the Chairman of the Board, may conduct hearings to carry out this chapter, administer oaths, and require, by subpoena or otherwise, necessary witnesses and evidence.

(2) A witness or evidence in a hearing under paragraph (1) of this subsection may be summoned or required to be produced from any place in the United States to the designated place of the hearing. A witness summoned under this subsection is entitled to the same fee and mileage the witness would have been paid in a court of the United States.

(3) A subpoena shall be issued under the signature of the Chairman or the Chairman’s delegate but may be served by any person designated by the Chairman.

(4) If a person disobeys a subpoena, order, or inspection notice of the Board, the Board may bring a civil action in a district court of the United States to enforce the subpoena, order, or notice. An action under this paragraph may be brought in the judicial district in which the person against whom the action is brought resides, is found, or does business. The court may punish a failure to obey an order of the court to comply with the subpoena, order, or notice as a contempt of court.

(b) *ADDITIONAL POWERS.*—(1) The Board may—

(A) procure the temporary or intermittent services of experts or consultants under section 3109 of title 5;

(B) make agreements and other transactions necessary to carry out this chapter without regard to section 6101(b) to (d) of title 41;

(C) use, when appropriate, available services, equipment, personnel, and facilities of a department, agency, or instrumentality of the United States Government on a reimbursable or other basis;

(D) confer with employees and use services, records, and facilities of State and local governmental authorities;

(E) appoint advisory committees composed of qualified private citizens and officials of the Government and State and local governments as appropriate;

(F) accept voluntary and uncompensated services notwithstanding another law;

(G) accept gifts of money and other property;

(H) make contracts with nonprofit entities to carry out studies related to duties and powers of the Board;

(I) negotiate and enter into agreements with individuals and private entities and departments, agencies, and instrumentalities of the Government, State and local governments, and governments of foreign countries for the provision of facilities, accident-related and technical services or training in accident investigation theory and techniques, and require that such entities provide appropriate consideration for the reasonable costs of any facilities, goods, services, or training provided by the Board[; and];

(J) notwithstanding section 1343 of title 31, acquire 1 or more small unmanned aircraft (as defined in section 44801) for use in investigations under this chapter[.]; and

(K) notwithstanding section 3301 of title 41, acquire training on emerging transportation technologies.

(2) The Board shall deposit in the Treasury amounts received under paragraph (1)(I) of this subsection to be credited as offsetting collections to the appropriation of the Board. The Board shall maintain an annual record of collections received under paragraph (1)(I) of this subsection.

(3) *DIRECT HIRE AUTHORITY.*—

(A) *IN GENERAL.*—Notwithstanding section 3304 and sections 3309 through 3318 of title 5, the Chairman may, on a determination that there is a severe shortage of candidates or a critical hiring need for particular positions, recruit and directly appoint into the competitive service highly qualified personnel with specialized knowledge important to the function of the Board.

(B) *LIMITATION.*—The authority granted under subparagraph (A) shall terminate on the date that is 5 years after the date of the enactment of this paragraph.

(C) *EXCEPTION.*—The authority granted under subparagraph (A) shall not apply to positions in the excepted service or the Senior Executive Service.

(D) *REQUIREMENTS.*—In exercising the authority granted under subparagraph (A), the Board shall ensure that any action taken by the Board—

(i) is consistent with the merit principles of section 2301 of title 5; and

(ii) complies with the public notice requirements of section 3327 of title 5.

(c) *SUBMISSION OF CERTAIN COPIES TO CONGRESS.*—When the Board submits to the President or the Director of the Office of Management and Budget a budget estimate, budget request, supplemental budget estimate, other budget information, a legislative recommendation, prepared testimony for congressional hearings, or comments on legislation, the Board must submit a copy to Congress at the same time. An officer, department, agency, or instrumentality of the Government may not require the Board to submit the estimate, request, information, recommendation, testimony, or comments to another officer, department, agency, or instrumentality of

the Government for approval, comment, or review before being submitted to Congress. The Board shall develop and approve a process for the Board's review and comment or approval of documents submitted to the President, Director of the Office of Management and Budget, or Congress under this subsection.

(d) LIAISON COMMITTEES.—The Chairman may determine the number of committees that are appropriate to maintain effective liaison with other departments, agencies, and instrumentalities of the Government, State and local governmental authorities, and independent standard-setting authorities that carry out programs and activities related to transportation safety. The Board may designate representatives to serve on or assist those committees.

(e) INQUIRIES.—The Board, or an officer or employee of the Board designated by the Chairman, may conduct an inquiry to obtain information related to transportation safety after publishing notice of the inquiry in the Federal Register. The Board or designated officer or employee may require by order a department, agency, or instrumentality of the Government, a State or local governmental authority, or a person transporting individuals or property in commerce to submit to the Board a written report and answers to requests and questions related to a duty or power of the Board. The Board may prescribe the time within which the report and answers must be given to the Board or to the designated officer or employee. Copies of the report and answers shall be made available for public inspection.

(f) REGULATIONS.—The Board may prescribe regulations to carry out this chapter.

(g) OVERTIME PAY.—

(1) IN GENERAL.—Subject to the requirements of this section and notwithstanding paragraphs (1) and (2) of section 5542(a) of title 5, for an employee of the Board whose basic pay is at a rate which equals or exceeds the minimum rate of basic pay for GS-10 of the General Schedule, the Board may establish an overtime hourly rate of pay for the employee with respect to work performed at the scene of an accident (including travel to or from the scene) and other work that is critical to an accident investigation in an amount equal to one and one-half times the hourly rate of basic pay of the employee. All of such amount shall be considered to be premium pay.

(2) LIMITATION ON OVERTIME PAY TO AN EMPLOYEE.—An employee of the Board may not receive overtime pay under paragraph (1), for work performed in a calendar year, in an amount that exceeds 15 percent of the annual rate of basic pay of the employee for such calendar year.

(3) LIMITATION ON TOTAL AMOUNT OF OVERTIME PAY.—The Board may not make overtime payments under paragraph (1) for work performed in any fiscal year in a total amount that exceeds 1.5 percent of the amount appropriated to carry out this chapter for that fiscal year.

(4) BASIC PAY DEFINED.—In this subsection, the term “basic pay” includes any applicable locality-based comparability payment under section 5304 of title 5 (or similar provision of law) and any special rate of pay under section 5305 of title 5 (or similar provision of law).

【(5) ANNUAL REPORT.—Not later than January 31, 2002, and annually thereafter, the Board shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House Transportation and Infrastructure Committee a report identifying the total amount of overtime payments made under this subsection in the preceding fiscal year, and the number of employees whose overtime pay under this subsection was limited in that fiscal year as a result of the 15 percent limit established by paragraph (2).】

(h) *STRATEGIC WORKFORCE PLAN.*—

(1) *IN GENERAL.*—*The Board shall develop a strategic workforce plan that addresses the immediate and long-term workforce needs of the Board with respect to carrying out the authorities and duties of the Board under this chapter.*

(2) *ALIGNING THE WORKFORCE TO STRATEGIC GOALS.*—*In developing the strategic workforce plan under paragraph (1), the Board shall take into consideration—*

(A) *the current state and capabilities of the Board, including a high-level review of mission requirements, structure, workforce, and performance of the Board;*

(B) *the significant workforce trends, needs, issues, and challenges with respect to the Board and the transportation industry;*

(C) *the workforce policies, strategies, performance measures, and interventions to mitigate succession risks that guide the workforce investment decisions of the Board;*

(D) *a workforce planning strategy that identifies workforce needs, including the knowledge, skills, and abilities needed to recruit and retain skilled employees at the Board;*

(E) *a workforce management strategy that is aligned with the mission, goals, and organizational objectives of the Board;*

(F) *an implementation system for workforce goals focused on addressing continuity of leadership and knowledge sharing across the Board;*

(G) *an implementation system that addresses workforce competency gaps, particularly in mission-critical occupations; and*

(H) *a system for analyzing and evaluating the performance of the Board's workforce management policies, programs, and activities.*

(3) *PLANNING PERIOD.*—*The strategic workforce plan developed under paragraph (1) shall address a 5-year forecast period, but may include planning for longer periods based on information about trends in the transportation sector.*

(4) *PLAN UPDATES.*—*The Board shall update the strategic workforce plan developed under paragraph (1) not less than once every 5 years.*

(5) *RELATIONSHIP TO STRATEGIC PLAN.*—*The strategic workforce plan developed under paragraph (1) may be developed separately from, or incorporated into, the strategic plan required under section 306 of title 5.*

(6) *AVAILABILITY.*—*The strategic workforce plan under paragraph (1) and the strategic plan required under section 306 of title 5 shall be—*

(A) submitted to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) made available to the public on a website of the Board.

(i) **NONACCIDENT RELATED TRAVEL BUDGET.**—

(1) **IN GENERAL.**—The Board shall establish annual fiscal year budgets for non accident-related travel expenditures for each Board member which shall be incorporated into the annual budget request of the Board.

(2) **NOTIFICATION.**—The Board shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of any non accident-related travel budget overrun for any Board member not later than 30 days of such overrun becoming known to the Board.

(j) **RETENTION OF RECORDS.**—Notwithstanding chapters 21, 29, 31, and 33 of title 44, the Board may retain investigative records for such periods as determined by the Board.

§ 1114. Disclosure, availability, and use of information

(a) **GENERAL.**—(1) Except as provided in subsections (b), (c), (d), and (f) of this section, a copy of a record, information, or investigation submitted or received by the National Transportation Safety Board, or a member or employee of the Board, shall be made available to the public on identifiable request and at reasonable cost. This subsection does not require the release of information described by section 552(b) of title 5 or protected from disclosure by another law of the United States.

(2) The Board shall deposit in the Treasury amounts received under paragraph (1) to be credited to the appropriation of the Board as offsetting collections.

(b) **[TRADE SECRETS] CERTAIN CONFIDENTIAL INFORMATION.**—(1) **[The Board] IN GENERAL.**—The Board may disclose **[information related to a trade secret referred to in section 1905 of title 18] confidential information described in section 1905 of title 18, including trade secrets, only—**

(A) to another department, agency, or instrumentality of the United States Government when requested for official use;

(B) to a committee of Congress having jurisdiction over the subject matter to which the information is related, when requested by that committee;

(C) in a judicial proceeding under a court order that preserves the confidentiality of the information without impairing the proceeding; and

(D) to the public to protect health and safety after giving notice to any interested person to whom the information is related and an opportunity for that person to comment in writing, or orally in closed session, on the proposed disclosure, if the delay resulting from notice and opportunity for comment would not be detrimental to health and safety.

(2) Information disclosed under paragraph (1) of this subsection may be disclosed only in a way designed to preserve its confidentiality.

(3) PROTECTION OF VOLUNTARY SUBMISSION OF INFORMATION.—Notwithstanding any other provision of law, neither the Board, nor any agency receiving information from the Board, shall disclose voluntarily provided safety-related information if that information is not related to the exercise of the Board's accident or incident investigation authority under this chapter and if the Board finds that the disclosure of the information would inhibit the voluntary provision of that type of information.

(c) COCKPIT RECORDINGS AND TRANSCRIPTS.—

(1) CONFIDENTIALITY OF RECORDINGS.—Except as provided in paragraph (2), the Board may not disclose publicly any part of a cockpit voice or video recorder recording or transcript of oral communications by and between flight crew members and ground stations related to an accident or incident investigated by the Board.

(2) EXCEPTION.—Subject to subsections (b) and (g), the Board shall make public any part of a transcript, any written depiction of visual information obtained from a video recorder, or any still image obtained from a video recorder the Board decides is relevant to the accident or incident—

(A) if the Board holds a public hearing on the accident or incident, at the time of the hearing; or

(B) if the Board does not hold a public hearing, at the time a majority of the other factual reports on the accident or incident are placed in the public docket.

(3) REFERENCES TO INFORMATION IN MAKING SAFETY RECOMMENDATIONS.—This subsection does not prevent the Board from referring at any time to cockpit voice or video recorder information in making safety recommendations.

(d) SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—

(1) CONFIDENTIALITY OF RECORDINGS.—Except as provided in paragraph (2), the Board may not disclose publicly any part of a surface vehicle voice or video recorder recording or transcript of oral communications by or among drivers, train employees, or other operating employees responsible for the movement and direction of the vehicle or vessel, or between such operating employees and company communication centers, related to an accident investigated by the Board.

(2) EXCEPTION.—Subject to subsections (b) and (g), the Board shall make public any part of a transcript, any written depiction of visual information obtained from a video recorder, or any still image obtained from a video recorder the Board decides is relevant to the accident—

(A) if the Board holds a public hearing on the accident, at the time of the hearing; or

(B) if the Board does not hold a public hearing, at the time a majority of the other factual reports on the accident are placed in the public docket.

(3) REFERENCES TO INFORMATION IN MAKING SAFETY RECOMMENDATIONS.—This subsection does not prevent the Board from referring at any time to voice or video recorder information in making safety recommendations.

(e) DRUG TESTS.—(1) Notwithstanding section 503(e) of the Supplemental Appropriations Act, 1987 (Public Law 100-71, 101 Stat.

471), the Secretary of Transportation shall provide the following information to the Board when requested in writing by the Board:

(A) any report of a confirmed positive toxicological test, verified as positive by a medical review officer, conducted on an officer or employee of the Department of Transportation under post-accident, unsafe practice, or reasonable suspicion toxicological testing requirements of the Department, when the officer or employee is reasonably associated with the circumstances of an accident or incident under the investigative jurisdiction of the Board.

(B) any laboratory record documenting that the test is confirmed positive.

(2) Except as provided by paragraph (3) of this subsection, the Board shall maintain the confidentiality of, and exempt from disclosure under section 552(b)(3) of title 5—

(A) a laboratory record provided the Board under paragraph (1) of this subsection that reveals medical use of a drug allowed under applicable regulations; and

(B) medical information provided by the tested officer or employee related to the test or a review of the test.

(3) The Board may use a laboratory record made available under paragraph (1) of this subsection to develop an evidentiary record in an investigation of an accident or incident if—

(A) the fitness of the tested officer or employee is at issue in the investigation; and

(B) the use of that record is necessary to develop the evidentiary record.

(f) FOREIGN INVESTIGATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, neither the Board, nor any agency receiving information from the Board, shall disclose records or information relating to its participation in foreign aircraft accident investigations; except that—

(A) the Board shall release records pertaining to such an investigation when the country conducting the investigation issues its final report or 2 years following the date of the accident, whichever occurs first; and

(B) the Board may disclose records and information when authorized to do so by the country conducting the investigation.

(2) SAFETY RECOMMENDATIONS.—Nothing in this subsection shall restrict the Board at any time from referring to foreign accident investigation information in making safety recommendations.

(g) PRIVACY PROTECTIONS.—Before making public any still image obtained from a video recorder under subsection (c)(2) or subsection (d)(2), the Board shall take such action as appropriate to protect from public disclosure any information that readily identifies an individual, including a decedent.

(h) INTERVIEW RECORDINGS.—

(1) IN GENERAL.—*The Board may not publicly disclose any part of any audio or video recording of an interview of participants in, or witnesses to, an accident or incident investigated by the Board.*

(2) *SAVINGS PROVISION.*—*Paragraph (1) shall not be construed to apply to transcripts or summaries of such interviews.*

§ 1115. Training

(a) *DEFINITION.*—In this section, “Institute” means the Transportation Safety Institute of the Department of Transportation and any successor organization of the Institute.

(b) *USE OF INSTITUTE SERVICES.*—The National Transportation Safety Board may use, on a reimbursable basis, the services of the Institute. The Secretary of Transportation shall make the Institute available to—

(1) the Board for safety training of employees of the Board in carrying out their duties and powers; and

(2) other safety personnel of the United States Government, State and local governments, governments of foreign countries, interstate authorities, and private organizations the Board designates in consultation with the Secretary.

(c) *FEES.*—(1) Training at the Institute for safety personnel (except employees of the Government) shall be provided at a reasonable fee established periodically by the Board in consultation with the Secretary. The fee shall be paid directly to the Secretary, and the Secretary shall deposit the fee in the Treasury. The amount of the fee—

(A) shall be credited to the appropriate appropriation (subject to the requirements of any annual appropriation); and

(B) is an offset against any annual reimbursement agreement between the Board and the Secretary to cover all reasonable costs of providing training under this subsection that the Secretary incurs in operating the Institute.

(2) The Board shall maintain an annual record of offsets under paragraph (1)(B) of this subsection.

(d) *TRAINING OF BOARD EMPLOYEES AND OTHERS.*—The Board may conduct training of its employees in those subjects necessary for the proper performance of accident investigation *and in those subjects furthering the personnel and workforce development needs set forth in the strategic workforce plan of the Board as required under section 1113(h)*. The Board may also authorize attendance at courses given under this subsection by other government personnel, personnel of foreign governments, and personnel from industry or otherwise who have a requirement for accident investigation training. The Board may require non-Board personnel to reimburse some or all of the training costs, and amounts so reimbursed shall be credited to the appropriation of the Board as offsetting collections.

§ 1116. Reports, studies, and retrospective reviews

(a) *PERIODIC REPORTS.*—The National Transportation Safety Board shall report periodically to Congress, departments, agencies, and instrumentalities of the United States Government and State and local governmental authorities concerned with transportation safety, and other interested persons. The report shall—

(1) advocate meaningful responses to reduce the likelihood of transportation accidents similar to those investigated by the Board; and

(2) propose corrective action to make the transportation of individuals as safe and free from risk of injury as possible, including action to minimize personal injuries that occur in transportation accidents.

(b) STUDIES, INVESTIGATIONS, AND OTHER REPORTS.—The Board also shall—

(1) carry out special studies and investigations about transportation safety, including avoiding personal injury;

(2) examine techniques and methods of accident investigation and periodically publish recommended procedures for accident investigations;

(3) prescribe requirements for persons reporting accidents and aviation incidents that—

(A) may be investigated by the Board under this chapter;

or

(B) involve public aircraft (except aircraft of the armed forces and the intelligence agencies);

(4) evaluate, examine the effectiveness of, and publish the findings of the Board about the transportation safety consciousness of other departments, agencies, and instrumentalities of the Government and their effectiveness in preventing accidents; and

(5) evaluate the adequacy of safeguards and procedures for the transportation of hazardous material and the performance of other departments, agencies, and instrumentalities of the Government responsible for the safe transportation of that material.

(c) ANNUAL REPORT.—The National Transportation Safety Board shall submit a report to Congress on July 1 of each year. The report shall include—

(1) a statistical and analytical summary of the transportation accident investigations conducted and reviewed by the Board during the prior calendar year;

(2) a survey and summary of the recommendations made by the Board to reduce the likelihood of recurrence of those accidents together with the observed response to each recommendation;

(3) *a list of each recommendation made by the Board to the Secretary of Transportation or the Commandant of the Coast Guard that was closed in an unacceptable status in the preceding 12 months;*

[(3)] (4) a detailed appraisal of the accident investigation and accident prevention activities of other departments, agencies, and instrumentalities of the United States Government and State and local governmental authorities having responsibility for those activities under a law of the United States or a State;

[(4)] (5) a description of the activities and operations of the National Transportation Safety Board Training Center during the prior calendar year;

[(5)] (6) a list of accidents, during the prior calendar year, that the Board was required to investigate under section 1131 but did not investigate and an explanation of why they were not investigated; and

[(6)] (7) a list of ongoing investigations that have exceeded the expected time allotted for completion by Board order and an explanation for the additional time required to complete each such investigation.

(d) RETROSPECTIVE REVIEWS.—

(1) IN GENERAL.—Subject to paragraph (2), not later than June 1, 2019, and at least every 5 years thereafter, the Chairman shall complete a retrospective review of recommendations issued by the Board that are classified as open by the Board.

(2) CONTENTS.—A review under paragraph (1) shall include—

(A) a determination of whether the recommendation should be updated, closed, or reissued in light of—

- (i) changed circumstances;
 - (ii) more recently issued recommendations;
 - (iii) the availability of new technologies; or
 - (iv) new information making the recommendation ineffective or insufficient for achieving its objective;
- and

(B) a justification for each determination under subparagraph (A).

(3) REPORT.—Not later than 180 days after the date a review under paragraph (1) is complete, the Chairman shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

- (A) the findings of the review under paragraph (1);
- (B) each determination under paragraph (2)(A) and justification under paragraph (2)(B); and
- (C) if applicable, a schedule for updating, closing, or reissuing a recommendation.

* * * * *

§ 1118. Authorization of appropriations

[(a) IN GENERAL.—There are authorized to be appropriated for the purposes of this chapter \$111,400,000 for fiscal year 2019, \$112,400,000 for fiscal year 2020, \$113,400,000 for fiscal year 2021, and \$114,400,000 for fiscal year 2022. Such sums shall remain available until expended.]

(a) IN GENERAL.—There are authorized to be appropriated for the purposes of this chapter \$142,000,000 for fiscal year 2024, \$145,000,000 for fiscal year 2025, \$150,000,000 for fiscal year 2026, \$155,000,000 for fiscal year 2027, and \$161,000,000 for fiscal year 2028. Such sums shall remain available until expended.

(b) EMERGENCY FUND.—The Board has an emergency fund of \$2,000,000 available for necessary expenses of the Board, not otherwise provided for, for accident investigations. In addition, there are authorized to be appropriated such sums as may be necessary to increase the fund to, and maintain the fund at, a level not to exceed \$4,000,000.

(c) FEES, REFUNDS, AND REIMBURSEMENTS.—

(1) IN GENERAL.—The Board may impose and collect such fees, refunds, and reimbursements as it determines to be appropriate for services provided by or through the Board.

(2) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any fee, refund, or reimbursement collected under this subsection—

(A) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed or with which the refund or reimbursement is associated;

(B) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed or with which the refund or reimbursement is associated; and

(C) shall remain available until expended.

(3) REFUNDS.—The Board may refund any fee paid by mistake or any amount paid in excess of that required.

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§ 1120. Office of Oversight, Accountability, and Quality Assurance

(a) ESTABLISHMENT.—*Not later than 1 year after the date of enactment of this section, the Board shall establish in the National Transportation Safety Board an Office of Oversight, Accountability, and Quality Assurance to provide oversight of the duties and responsibilities of the Board.*

(b) DIRECTOR.—

(1) APPOINTMENT.—*The head of the Office of Oversight, Accountability, and Quality Assurance shall be the Director, who shall be appointed by the Chairman of the Board and shall be approved by the Board.*

(2) QUALIFICATIONS.—*The Director shall have demonstrated ability in investigations.*

(3) TERM.—*The Director shall be appointed for a term of 5 years.*

(4) VACANCIES.—*Any individual approved to fill a vacancy in the position of the Director occurring before the expiration of the term for which the predecessor of the individual was approved shall be approved for the remainder of the term or for a new term.*

(c) DUTIES.—*The Director shall—*

(1) *establish and ensure policies that promote integrity, efficiency, and effectiveness;*

(2) *prevent and detect waste, fraud, and abuse in programs and operations;*

(3) *provide policy direction related to the conduct, supervision, and coordination of audits and investigations relating to the activities of the Board;*

(4) *identify trends and systemic issues within the agency and create strategies and recommendations to address such issues;*

(5) *conduct impartial information gathering about complaints or concerns, and ensure the Board is meeting any quality and timeliness standards; and*

(6) *not conduct any of the duties under this subsection in a manner that interferes with an ongoing safety investigation of the Board.*

(d) REPORTING CRIMINAL VIOLATIONS TO DEPARTMENT OF JUSTICE.—*If the Director has reasonable grounds to believe that there*

has been a violation of Federal criminal law, the Director shall refer the matter to the Department of Justice.

(e) SAVINGS CLAUSE.—Nothing in this section shall be construed to interfere or give the Office jurisdiction over any active investigation by the Board or the content of products approved by a vote of the Board.

(f) ANNUAL REPORT.—

(1) IN GENERAL.—The Director shall submit to the Board, the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an annual report on the activities, investigations, findings, and recommendations of the Director.

(2) SUNSET.—This subsection shall cease to have effect on October 1, 2028.

SUBCHAPTER III—AUTHORITY

§ 1131. General authority

(a) GENERAL.—(1) The National Transportation Safety Board shall investigate or have investigated (in detail the Board prescribes) and establish the facts, circumstances, and cause or probable cause of—

(A) an aircraft accident the Board has authority to investigate under section 1132 of this title or an aircraft accident involving a public aircraft as defined by section 40102(a) of this title other than an aircraft operated by the Armed Forces or by an intelligence agency of the United States;

(B) a highway accident, including a railroad grade crossing accident, the Board [selects in cooperation with a State] selects, concurrent with any State investigation;

(C) a railroad [accident in which there is a fatality or substantial property damage, or that involves a passenger train] accident, including a railroad grade crossing or trespasser accident that the Board selects, or in which there is otherwise a fatality or substantial property damage, or that involves a passenger train;

(D) a pipeline accident in which there is a fatality, substantial property damage, or significant injury to the environment;

(E) a major marine casualty (except a casualty involving only public vessels) occurring on or under the navigable waters, internal waters, or the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988, or involving a vessel of the United States (as defined in section 116 of title 46), under regulations prescribed jointly by the Board and the head of the department in which the Coast Guard is operating; and

(F) any other accident related to the transportation of individuals or property when the Board decides—

(i) the accident is catastrophic;

(ii) the accident involves problems of a recurring character; or

(iii) the investigation of the accident would carry out this chapter.

(2)(A) Subject to the requirements of this paragraph, an investigation by the Board under paragraph (1)(A)–(D) or (F) of this subsection has priority over any investigation by another department, agency, or instrumentality of the United States Government. The Board shall provide for appropriate participation by other departments, agencies, or instrumentalities in the investigation. However, those departments, agencies, or instrumentalities may not participate in the decision of the Board about the probable cause of the accident.

(B) If the Attorney General, in consultation with the Chairman of the Board, determines and notifies the Board that circumstances reasonably indicate that the accident may have been caused by an intentional criminal act, the Board shall relinquish investigative priority to the Federal Bureau of Investigation. The relinquishment of investigative priority by the Board shall not otherwise affect the authority of the Board to continue its investigation under this section.

(C) If a Federal law enforcement agency suspects and notifies the Board that an accident being investigated by the Board under subparagraph (A), (B), (C), or (D) of paragraph (1) may have been caused by an intentional criminal act, the Board, in consultation with the law enforcement agency, shall take necessary actions to ensure that evidence of the criminal act is preserved.

(3) This section and sections 1113, 1116(b), 1133, and 1134(a) and (c)–(e) of this title do not affect the authority of another department, agency, or instrumentality of the Government to investigate an accident under applicable law or to obtain information directly from the parties involved in, and witnesses to, the accident. The Board and other departments, agencies, and instrumentalities shall ensure that appropriate information developed about the accident is exchanged in a timely manner.

(b) ACCIDENTS INVOLVING PUBLIC VESSELS.—(1) The Board or the head of the department in which the Coast Guard is operating shall investigate and establish the facts, circumstances, and cause or probable cause of a marine accident involving a public vessel and any other vessel. The results of the investigation shall be made available to the public.

(2) Paragraph (1) of this subsection and subsection (a)(1)(E) of this section do not affect the responsibility, under another law of the United States, of the head of the department in which the Coast Guard is operating.

(c) ACCIDENTS NOT INVOLVING GOVERNMENT MISFEASANCE OR NONFEASANCE.—(1) When asked by the Board, the Secretary of Transportation or the Secretary of the department in which the Coast Guard is operating may—

(A) investigate an accident described under subsection (a) or

(b) of this section in which misfeasance or nonfeasance by the Government has not been alleged; and

(B) report the facts and circumstances of the accident to the Board.

(2) The Board shall use the report in establishing cause or probable cause of an accident described under subsection (a) or (b) of this section.

(d) ACCIDENTS INVOLVING PUBLIC AIRCRAFT.—The Board, in furtherance of its investigative duties with respect to public aircraft

accidents under subsection (a)(1)(A) of this section, shall have the same duties and powers as are specified for civil aircraft accidents under sections 1132(a), 1132(b), and 1134(a), (b), (d), and (f) of this title.

(e) ACCIDENT REPORTS.—The Board shall report on the facts and circumstances of each accident investigated by it under subsection (a) or (b) of this section. The Board shall make each report available to the **[public at reasonable cost.] public**

(1) *in printed form at reasonable cost; and*

(2) *in electronic form at no cost in a publicly accessible database on a website of the Board.*

(f) TIMELINESS OF REPORTS.—*If any accident report under subsection (e) is not completed within 2 years from the date of the accident, the Board shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report identifying such accident report and the reasons for which such report has not been completed. The Board shall report progress toward completion of the accident report to each such Committees every 90 days thereafter, until such time as the accident report is completed.*

* * * * *

§ 1134. Inspections and autopsies

(a) ENTRY AND INSPECTION.—An officer or employee of the National Transportation Safety Board—

(1) on display of appropriate credentials and written notice of inspection authority, may enter property where a transportation accident has occurred or wreckage from the accident is located and do anything necessary to conduct an investigation; and

(2) during reasonable hours, may inspect any record, including an electronic record, process, control, or facility related to an accident investigation under this chapter.

(b) INSPECTION, TESTING, PRESERVATION, AND MOVING OF AIRCRAFT AND PARTS.—(1) In investigating an aircraft accident under this chapter, the Board may inspect and test, to the extent necessary, any civil aircraft, aircraft engine, propeller, appliance, or property on an aircraft involved in an accident in air commerce.

(2) Any civil aircraft, aircraft engine, propeller, appliance, or property on an aircraft involved in an accident in air commerce shall be preserved, and may be moved, only as provided by regulations of the Board.

(c) AVOIDING UNNECESSARY INTERFERENCE AND PRESERVING EVIDENCE.—In carrying out subsection (a)(1) of this section, an officer or employee may examine or test any vehicle, vessel, rolling stock, track, or pipeline component. The examination or test shall be conducted in a way that—

(1) does not interfere unnecessarily with transportation services provided by the owner or operator of the vehicle, vessel, rolling stock, track, or pipeline component; and

(2) to the maximum extent feasible, preserves evidence related to the accident, consistent with the needs of the investigation and with the cooperation of that owner or operator.

(d) **EXCLUSIVE AUTHORITY OF BOARD.**—Only the Board has the authority to decide on the way in which testing under this section will be conducted, including decisions on the person that will conduct the test, the type of test that will be conducted, and any individual who will witness the test. Those decisions are committed to the discretion of the Board. The Board shall make any of those decisions based on the needs of the investigation being conducted and, when applicable, subsections (a), (c), and (e) of this section.

(e) **PROMPTNESS OF TESTS AND AVAILABILITY OF RESULTS.**—An inspection, examination, or test under subsection (a) or (c) of this section shall be started and completed promptly, and the results shall be made available.

(f) **AUTOPSIES.**—(1) The Board may order an autopsy to be performed and have other tests made when necessary to investigate an accident under this chapter. However, local law protecting religious beliefs related to autopsies shall be observed to the extent consistent with the needs of the accident investigation.

(2) With or without reimbursement, the Board may obtain a copy of an autopsy report performed by a State or local official on an individual who died because of a transportation accident investigated by the Board under this chapter.

(g) **RECORDERS AND DATA.**—*In investigating an accident under this chapter, the Board may—*

(1) *obtain any recorder or recorded information pertinent to the accident;*

(2) *require a manufacturer or the vendors, suppliers, or affiliates of such manufacturer, to provide to the Board, without delay, information the Board determines necessary to enable the Board to read and interpret any recording device or recorded information pertinent to the accident; and*

(3) *require a manufacturer or the vendors, suppliers, or affiliates of such manufacturer, to provide to the Board, without delay, data and other intellectual property the Board determines necessary to enable the Board to perform independent physics-based simulations and analyses of the accident situation.*

§ 1135. Secretary of Transportation's responses to safety recommendations

(a) **GENERAL.**—When the National Transportation Safety Board submits a recommendation about transportation safety to the Secretary of Transportation, the Secretary shall give to the Board a formal written response to each recommendation not later than 90 days after receiving the recommendation. The response shall indicate whether the Secretary intends—

(1) to carry out procedures to adopt the complete recommendation;

(2) to carry out procedures to adopt a part of the recommendation; or

(3) to refuse to carry out procedures to adopt the recommendation.

(b) **TIMETABLE FOR COMPLETING PROCEDURES AND REASONS FOR REFUSALS.**—A response under subsection (a)(1) or (2) of this section shall include a copy of a proposed timetable for completing the procedures. A response under subsection (a)(2) of this section shall de-

tail the reasons for the refusal to carry out procedures on the remainder of the recommendation. A response under subsection (a)(3) of this section shall detail the reasons for the refusal to carry out procedures.

(c) PUBLIC AVAILABILITY.—The Board shall make a copy of each recommendation and response available to the [public at reasonable cost.] *public*—

(1) *in printed form at reasonable cost; and*

(2) *in electronic form in a publicly accessible database on a website of the Board at no cost.*

(d) ANNUAL REPORT ON AIR CARRIER SAFETY RECOMMENDATIONS.—

(1) IN GENERAL.—The Secretary shall submit to Congress and the Board, on an annual basis, a report on the recommendations made by the Board to the Secretary regarding air carrier operations conducted under part 121 of title 14, Code of Federal Regulations.

(2) RECOMMENDATIONS TO BE COVERED.—The report shall cover—

(A) any recommendation for which the Secretary has developed, or intends to develop, procedures to adopt the recommendation or part of the recommendation, but has yet to complete the procedures; and

(B) any recommendation for which the Secretary, in the preceding year, has issued a response under subsection (a)(2) or (a)(3) refusing to carry out all or part of the procedures to adopt the recommendation.

(3) CONTENTS.—

(A) PLANS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(A), the report shall contain—

(i) a description of the recommendation;

(ii) a description of the procedures planned for adopting the recommendation or part of the recommendation;

(iii) the proposed date for completing the procedures; and

(iv) if the Secretary has not met a deadline contained in a proposed timeline developed in connection with the recommendation under subsection (b), an explanation for not meeting the deadline.

(B) REFUSALS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(B), the report shall contain—

(i) a description of the recommendation; and

(ii) a description of the reasons for the refusal to carry out all or part of the procedures to adopt the recommendation.

(e) REPORTING REQUIREMENTS.—

(1) ANNUAL SECRETARIAL REGULATORY STATUS REPORTS.—On February 1 of each year, the Secretary shall submit a report to Congress and the Board containing the regulatory status of each recommendation made by the Board to the Secretary (or to an Administration within the Department of Transportation) that is on the Board's "most wanted list". The Secretary shall

continue to report on the regulatory status of each such recommendation in the report due on February 1 of subsequent years until final regulatory action is taken on that recommendation or the Secretary (or an Administration within the Department) determines and states in such a report that no action should be taken.

(2) FAILURE TO REPORT.—If on March 1 of each year the Board has not received the Secretary's report required by this subsection, the Board shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the Secretary's failure to submit the required report.

(3) COMPLIANCE REPORT WITH RECOMMENDATIONS.—Within 90 days after the date on which the Secretary submits a report under this subsection, the Board shall review the Secretary's report and transmit comments on the report to the Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.

§ 1136. Assistance [to families of passengers involved in aircraft accidents] to passengers involved in aircraft accidents and families of such passengers

(a) IN GENERAL.—As soon as practicable after being notified of an aircraft accident *within United States airspace or airspace delegated to the United States* involving an air carrier or foreign air carrier, resulting in any loss of life, and for which the National Transportation Safety Board will serve as the lead investigative agency, the Chairman of the [National Transportation Safety Board shall] *Board shall*—

(1) designate and publicize the name and phone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the Federal Government for the families of passengers involved in the accident and a liaison between the air carrier or foreign air carrier and the families; and

(2) designate an independent nonprofit organization, with experience in disasters and posttrauma communication with families, which shall have primary responsibility for coordinating the [emotional care and support] *emotional, psychological, and spiritual care and support services* of [the families of passengers involved in the accident] *passengers involved in the accident and the families of such passengers*.

(b) RESPONSIBILITIES OF THE BOARD.—The Board shall have primary Federal responsibility for facilitating the recovery and identification of fatally-injured passengers involved in an accident described in subsection (a).

(c) RESPONSIBILITIES OF DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to [the families of passengers involved in the accident] *passengers involved in the accident and the families of such passengers*:

(1) To provide [mental health and counseling services] *emotional, psychological, and spiritual care and support services*, in

coordination with the disaster response team of the air carrier or foreign air carrier involved.

(2) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

(3) To meet with **the families who have traveled to the location of the accident** *passengers involved in the accident and the families of such passengers who have traveled to the location of the accident*, to contact the families unable to travel to such location, and to contact all *passengers and* affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

(4) To communicate with the *passengers and* families as to the roles of the organization, government agencies, and the air carrier or foreign air carrier involved with respect to the accident and the post-accident activities.

(5) To arrange a suitable memorial service, in consultation with the families.

[(d) PASSENGER LISTS.—

[(1) REQUESTS FOR PASSENGER LISTS.—

[(A) REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.—It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the air carrier or foreign air carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the aircraft involved in the accident.

[(B) REQUESTS BY DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) may request from the air carrier or foreign air carrier involved in the accident a list described in subparagraph (A).

[(2) USE OF INFORMATION.—The director of family support services and the organization may not release to any person information on a list obtained under paragraph (1) but may provide information on the list about a passenger to the family of the passenger to the extent that the director of family support services or the organization considers appropriate.]

(d) PASSENGER LISTS.—

(1) REQUESTS FOR PASSENGER LISTS BY THE DIRECTOR OF FAMILY SERVICES.—

(A) REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.—*It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the air carrier or foreign air carrier involved in the accident a passenger list, which is based on the best available information at the time of the request.*

(B) USE OF INFORMATION.—*The director of family support services may not release to any person information on a list obtained under subparagraph (A), except that the director may, to the extent the director considers appropriate, provide information on the list about a passenger to—*

(i) the family of the passenger; or

(ii) a local, State, or Federal agency responsible for determining the whereabouts or welfare of a passenger.

(2) REQUESTS FOR PASSENGER LISTS BY DESIGNATED ORGANIZATION.—

(A) REQUESTS BY DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) may request from the air carrier or foreign air carrier involved in the accident a passenger list.

(B) USE OF INFORMATION.—The designated organization may not release to any person information on a passenger list but may provide information on the list about a passenger to the family of the passenger to the extent the organization considers appropriate.

(e) CONTINUING RESPONSIBILITIES OF THE BOARD.—In the course of its investigation of an accident described in subsection (a), the Board shall, to the maximum extent practicable, ensure that the families of passengers involved in the accident—

(1) are briefed, prior to any public briefing, about the accident, its causes, and any other findings from the investigation; and

(2) are individually informed of and allowed to attend any public hearings and meetings of the Board about the accident.

(f) USE OF AIR CARRIER RESOURCES.—To the extent practicable, the organization designated for an accident under subsection (a)(2) shall coordinate its activities with the air carrier or foreign air carrier involved in the accident so that the resources of the carrier can be used to the greatest extent possible to carry out the organization's responsibilities under this section.

(g) PROHIBITED ACTIONS.—

(1) ACTIONS TO IMPEDE THE BOARD.—No person (including a State or political subdivision) may impede the ability of the Board (including the director of family support services designated for an accident under subsection (a)(1)), or an organization designated for an accident under subsection (a)(2), to carry out its responsibilities under this section or the ability of **the families of passengers involved in the accident** passengers involved in the accident and the families of such passengers to have contact with one another.

(2) UNSOLICITED COMMUNICATIONS.—In the event of an accident involving an air carrier providing interstate or foreign air transportation and in the event of an accident involving a foreign air carrier that occurs within the United States, no unsolicited communication concerning a potential action for personal injury or wrongful death may be made by an attorney (including any associate, agent, employee, or other representative of an attorney) or any potential party to the litigation to an individual injured in the accident, or to a relative of an individual involved in the accident, before the 45th day following the date of the accident.

(3) PROHIBITION ON ACTIONS TO **PREVENT MENTAL HEALTH AND COUNSELING** PREVENT CERTAIN CARE AND SUPPORT SERVICES.—No State or political subdivision thereof may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from **providing**

mental health and counseling services] *providing emotional, psychological, and spiritual care and support* under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the *passengers and families* and if State and local authorities are notified of the determination.

(h) DEFINITIONS.—In this section, the following definitions apply:

(1) AIRCRAFT ACCIDENT.—The term “aircraft accident” means any aviation disaster, regardless of its cause or suspected cause, for which the [National Transportation Safety] Board is the lead investigative agency.

(2) PASSENGER.—The term “passenger” includes—

(A) an employee of an air carrier or foreign air carrier aboard an aircraft;

(B) any other person aboard the aircraft without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the flight; and

(C) any other person injured or killed in the aircraft accident, as determined appropriate by the Board.

(3) PASSENGER LIST.—*The term “passenger list” means a list based on the best available information at the time of a request, of the name of each passenger aboard the aircraft involved in the accident.*

(i) STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to [the families of passengers involved in an aircraft accident] *passengers involved in the aircraft accident and the families of such passengers.*

(j) RELINQUISHMENT OF INVESTIGATIVE PRIORITY.—

(1) GENERAL RULE.—This section (other than subsection (g)) shall not apply to an aircraft accident if the Board has relinquished investigative priority under section 1131(a)(2)(B) and the Federal agency to which the Board relinquished investigative priority is willing and able to provide assistance to the victims and families of the passengers involved in the accident.

(2) BOARD ASSISTANCE.—If this section does not apply to an aircraft accident because the Board has relinquished investigative priority with respect to the accident, the Board shall assist, to the maximum extent possible, the agency to which the Board has relinquished investigative priority in assisting families with respect to the accident.

* * * * *

§ 1138. Evaluation and audit of National Transportation Safety Board

(a) IN GENERAL.—To promote economy, efficiency, and effectiveness in the administration of the programs, operations, and activities of the National Transportation Safety Board, the Comptroller General of the United States shall evaluate and audit the programs and [expenditures of the National Transportation Safety] *expenditures of the Board.* Such evaluation and audit shall be conducted

as determined necessary by the Comptroller General or the appropriate congressional committees.

(b) RESPONSIBILITY OF COMPTROLLER GENERAL.—The Comptroller General shall evaluate and audit Board programs, operations, and activities, including—

- (1) information management and security, including privacy protection of personally identifiable information;
- (2) resource management;
- (3) workforce development;
- (4) procurement and contracting planning, practices and policies;
- (5) the process and procedures to select an accident to investigate;
- (6) the extent to which the Board follows leading practices in selected management areas; and
- (7) the extent to which the Board addresses management challenges in completing accident investigations.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of this section the term “appropriate congressional committees” means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

§ 1139. Assistance [to families of passengers involved in rail passenger accidents] to passengers involved in rail passenger accidents and families of such passengers

(a) IN GENERAL.—As soon as practicable after being notified of a rail passenger accident within the United States involving a rail passenger carrier and resulting in any loss of life, and for which the National Transportation Safety Board will serve as the lead investigative agency, the Chairman of the [National Transportation Safety Board shall] *Board shall*—

- (1) designate and publicize the name and telephone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the Federal Government for the families of passengers involved in the accident and a liaison between the rail passenger carrier and the families; and
- (2) designate an independent nonprofit organization, with experience in disasters and post-trauma communication with families, which shall have primary responsibility for coordinating the [emotional care and support] *emotional, psychological and spiritual care and support services* of [the families of passengers involved in the accident] *passengers involved in the accident and the families of such passengers*.

(b) RESPONSIBILITIES OF THE BOARD.—The Board shall have primary Federal responsibility for—

- (1) facilitating the recovery and identification of fatally injured passengers involved in an accident described in subsection (a); and
- (2) communicating with the families of passengers involved in the accident as to the roles, with respect to the accident and the post-accident activities, of—

(A) the organization designated for an accident under subsection (a)(2);

(B) Government agencies; and

(C) the rail passenger carrier involved.

(c) RESPONSIBILITIES OF DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to **the families of passengers involved in the accident** *passengers involved in the accident and the families of such passengers*:

(1) To provide **mental health and counseling services** *emotional, psychological, and spiritual care and support services*, in coordination with the disaster response team of the rail passenger carrier involved.

(2) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

(3) To meet with **the families who have traveled to the location of the accident** *passengers involved in the accident and the families of such passengers who have traveled to the location of the accident*, to contact the families unable to travel to such location, and to contact all *passengers and* affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

(4) To arrange a suitable memorial service, in consultation with the *passengers and* families.

(d) PASSENGER LISTS.—

(1) REQUESTS FOR PASSENGER LISTS.—

(A) REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.—It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the rail passenger carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the rail passenger carrier's train involved in the accident. A rail passenger carrier shall use reasonable efforts, with respect to its unreserved trains, and passengers not holding reservations on its other trains, to ascertain the names of passengers aboard a train involved in an accident.

(B) REQUESTS BY DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) may request from the rail passenger carrier involved in the accident a list described in subparagraph (A).

(2) USE OF INFORMATION.—Except as provided in subsection (k), the director of family support services and the organization may not release to any person information on a list obtained under paragraph (1) but may provide information on the list about a passenger to the family of the passenger to the extent that the director of family support services or the organization considers appropriate.

(d) PASSENGER LISTS.—

(1) REQUESTS FOR PASSENGER LISTS BY THE DIRECTOR OF FAMILY SERVICES.—

(A) *REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.*—It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the rail passenger carrier involved in the accident a passenger list, which is based on the best available information at the time of the request.

(B) *USE OF INFORMATION.*—The director of family support services may not release to any person information on a list obtained under subparagraph (A), except that the director may, to the extent the director considers appropriate, provide information on the list about a passenger to—

(i) the family of the passenger; or

(ii) a local, State, or Federal agency responsible for determining the whereabouts or welfare of a passenger.

(2) *REQUESTS FOR PASSENGER LISTS BY DESIGNATED ORGANIZATION.*—

(A) *REQUESTS BY DESIGNATED ORGANIZATION.*—The organization designated for an accident under subsection (a)(2) may request from the rail passenger carrier involved in the accident a passenger list.

(B) *USE OF INFORMATION.*—The designated organization may not release to any person information on a passenger list but may provide information on the list about a passenger to the family of the passenger to the extent the organization considers appropriate.

(e) *CONTINUING RESPONSIBILITIES OF THE BOARD.*—In the course of its investigation of an accident described in subsection (a), the Board shall, to the maximum extent practicable, ensure that the families of passengers involved in the accident—

(1) are briefed, prior to any public briefing, about the accident and any other findings from the investigation; and

(2) are individually informed of and allowed to attend any public hearings and meetings of the Board about the accident.

(f) *USE OF RAIL PASSENGER CARRIER RESOURCES.*—To the extent practicable, the organization designated for an accident under subsection (a)(2) shall coordinate its activities with the rail passenger carrier involved in the accident to facilitate the reasonable use of the resources of the carrier.

(g) *PROHIBITED ACTIONS.*—

(1) *ACTIONS TO IMPEDE THE BOARD.*—No person (including a State or political subdivision thereof) may impede the ability of the Board (including the director of family support services designated for an accident under subsection (a)(1)), or an organization designated for an accident under subsection (a)(2), to carry out its responsibilities under this section or the ability of [the families of passengers involved in the accident] passengers involved in the accident and the families of such passengers to have contact with one another.

(2) *UNSOLICITED COMMUNICATIONS.*—No unsolicited communication concerning a potential action or settlement offer for personal injury or wrongful death may be made by an attorney (including any associate, agent, employee, or other representative of an attorney) or any potential party to the litigation, including the railroad carrier or rail passenger carrier, to an in-

dividual (other than an employee of the rail passenger carrier) injured in the accident, or to a relative of an individual involved in the accident, before the 45th day following the date of the accident.

(3) PROHIBITION ON ACTIONS TO [PREVENT MENTAL HEALTH AND COUNSELING] *PREVENT CERTAIN CARE AND SUPPORT SERVICES*.—No State or political subdivision thereof may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from [providing mental health and counseling services] *providing emotional, psychological, and spiritual care and support* under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the *passengers and families* and if State and local authorities are notified of the determination.

(h) DEFINITIONS.—In this section:

(1) RAIL PASSENGER ACCIDENT.—The term “rail passenger accident” means any rail passenger disaster that—

(A) results in any loss of life;

(B) the [National Transportation Safety] Board will serve as the lead investigative agency for; and

(C) occurs in the provision of—

(i) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

(ii) high-speed rail (as such term is defined in section 26105) transportation, regardless of its cause or suspected cause.

(2) RAIL PASSENGER CARRIER.—The term “rail passenger carrier” means a rail carrier providing—

(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation, except that such term does not include a tourist, historic, scenic, or excursion rail carrier.

(3) PASSENGER.—The term “passenger” includes—

(A) an employee of a rail passenger carrier aboard a train;

(B) any other person aboard the train without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the rail transportation; and

(C) any other person injured or killed in a rail passenger accident, as determined appropriate by the Board.

(4) PASSENGER LIST.—*The term “passenger list” means a list based on the best available information at the time of the request, of the name of each passenger aboard the rail passenger carrier’s train involved in the accident. A rail passenger carrier shall use reasonable efforts, with respect to its unreserved trains, and passengers not holding reservations on its other trains, to ascertain the names of passengers aboard a train involved in an accident.*

(i) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.

(j) **RELINQUISHMENT OF INVESTIGATIVE PRIORITY.**—

(1) **GENERAL RULE.**—This section (other than subsection (g)) shall not apply to a rail passenger accident if the Board has relinquished investigative priority under section 1131(a)(2)(B) and the Federal agency to which the Board relinquished investigative priority is willing and able to provide assistance to the victims and families of the passengers involved in the accident.

(2) **BOARD ASSISTANCE.**—If this section does not apply to a rail passenger accident because the Board has relinquished investigative priority with respect to the accident, the Board shall assist, to the maximum extent possible, the agency to which the Board has relinquished investigative priority in assisting families with respect to the accident.

(k) **SAVINGS CLAUSE.**—Nothing in this section shall be construed to abridge the authority of the Board or the Secretary of Transportation to investigate the causes or circumstances of any rail accident, including development of information regarding the nature of injuries sustained and the manner in which they were sustained for the purposes of determining compliance with existing laws and regulations or for identifying means of preventing similar injuries in the future, or both.

* * * * *

SUBCHAPTER IV—ENFORCEMENT AND PENALTIES

§ 1151. Aviation enforcement

(a) **CIVIL ACTIONS BY BOARD.**—The National Transportation Safety Board may bring a civil action in a district court of the United States against a person to enforce section 1132, 1134(b) or (f)(1) (related to an aircraft accident), 1136(g)(2), or 1155(a) of this title or a regulation prescribed or order issued under any of those sections. An action under this subsection may be brought in the judicial district in which the person does business or the violation occurred.

(b) **CIVIL ACTIONS BY ATTORNEY GENERAL.**—On request of the Board, the Attorney General may bring a civil action in an appropriate court—

(1) to enforce section 1132, 1134(b) or (f)(1) (related to an aircraft accident), 1136(g)(2), or 1155(a) of this title or a regulation prescribed or order issued under any of those sections; and

(2) to prosecute a person violating those sections or a regulation prescribed or order issued under any of those sections.

(c) **PARTICIPATION OF BOARD.**—On request of the Attorney General, the Board may participate in a civil action to enforce section 1132, 1134(b) or (f)(1) (related to an aircraft accident), 1136(g)(2), or 1155(a) of this title.

(d) **NOTIFICATION TO CONGRESS.**—*If the Board or Attorney General carry out such civil actions described in subsection (a) or (b) of this section against an airman employed at the time of the accident or incident by an air carrier operating under part 121 of title 14, Code of Federal Regulations, the Board shall immediately notify*

the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of such civil actions, including—

- (1) the labor union representing the airman involved, if applicable;*
- (2) the air carrier at which the airman is employed;*
- (3) the docket information of the incident or accident in which the airman was involved;*
- (4) the date of such civil actions taken by the Board or Attorney General; and*
- (5) a description of why such civil actions were taken by the Board or Attorney General.*

(e) SUBSEQUENT NOTIFICATION TO CONGRESS.—Not later than 15 days after the notification described in subsection (d), the Board shall submit a report to or brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the status of compliance with the civil actions taken.

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§ 1155. [Aviation penalties] Penalties

(a) CIVIL PENALTY.—(1) A person violating section 1132, section 1134(b), section 1134(f)(1), [or section 1136(g) (related to an aircraft accident)] *section 1136(g), or 1139(g)* of this title or a regulation prescribed or order issued under any of those sections is liable to the United States Government for a civil penalty of not more than \$1,000. A separate violation occurs for each day a violation continues.

(2) This subsection does not apply to a member of the armed forces of the United States or an employee of the Department of Defense subject to the Uniform Code of Military Justice when the member or employee is performing official duties. The appropriate military authorities are responsible for taking necessary disciplinary action and submitting to the National Transportation Safety Board a timely report on action taken.

(3) The Board may compromise the amount of a civil penalty imposed under this subsection.

(4) The Government may deduct the amount of a civil penalty imposed or compromised under this subsection from amounts it owes the person liable for the penalty.

(5) A civil penalty under this subsection may be collected by bringing a civil action against the person liable for the penalty. The action shall conform as nearly as practicable to a civil action in admiralty.

(b) CRIMINAL PENALTY.—A person that knowingly and without authority removes, conceals, or withholds a part of a civil aircraft involved in an accident, or property on the aircraft at the time of the accident, shall be fined under title 18, imprisoned for not more than 10 years, or both.

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SUBTITLE V—RAIL PROGRAMS

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PART C—PASSENGER TRANSPORTATION

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CHAPTER 243—AMTRAK

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§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents

(a) **SUBMISSION OF PLAN.**—Not later than 6 months after the date of the enactment of the Rail Safety Improvement Act of 2008, a rail passenger carrier shall submit to the Chairman of the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving a rail passenger carrier intercity train and resulting in **[a major] any** loss of life.

(b) **CONTENTS OF PLANS.**—A plan to be submitted by a rail passenger carrier under subsection (a) shall include, at a minimum, the following:

(1) A process by which a rail passenger carrier will maintain and provide to the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for the rail passenger carrier to use reasonable efforts to ascertain the names of passengers aboard a train involved in an accident.

(2) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, either by utilizing the services of the organization designated for the accident under section 1139(a)(2) of this title or the services of other suitably trained individuals.

(3) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as the rail passenger carrier has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

(5) An assurance that, upon request of the family of a passenger, the rail passenger carrier will inform the family of whether the passenger's name appeared on any preliminary passenger manifest for the train involved in the accident.

(6) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within the control of the rail passenger carrier and by which any possession of the passenger within

the control of the rail passenger carrier (regardless of its condition)—

(A) will be retained by the rail passenger carrier for at least 18 months; and

(B) will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation.

(7) A process by which the treatment of the families of non-revenue passengers will be the same as the treatment of the families of revenue passengers.

(8) An assurance that the rail passenger carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.

(9) An assurance that the family of each passenger or other person killed in the accident will be consulted about construction by the rail passenger carrier of any monument to the passengers, including any inscription on the monument.

(10) An assurance that the rail passenger carrier will work with any organization designated under section 1139(a)(2) of this title on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following each accident.

(11) An assurance that the rail passenger carrier will provide reasonable compensation to any organization designated under section 1139(a)(2) of this title for services provided by the organization.

(c) USE OF INFORMATION.—Neither the National Transportation Safety Board, the Secretary of Transportation, the Secretary of Homeland Security, nor a rail passenger carrier may release to the public any personal information on a list obtained under subsection (b)(1), but may provide information on the list about a passenger to the passenger's family members to the extent that the Board or a rail passenger carrier considers appropriate.

(d) LIMITATION ON STATUTORY CONSTRUCTION.—

(1) RAIL PASSENGER CARRIERS.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.

(2) INVESTIGATIONAL AUTHORITY OF BOARD AND SECRETARY.—Nothing in this section shall be construed to abridge the authority of the Board or the Secretary of Transportation to investigate the causes or circumstances of any rail accident, including the development of information regarding the nature of injuries sustained and the manner in which they were sustained, for the purpose of determining compliance with existing laws and regulations or identifying means of preventing similar injuries in the future.

(e) LIMITATION ON LIABILITY.—A rail passenger carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the rail passenger carrier in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by the rail passenger carrier under subsection (b), unless such li-

ability was caused by conduct of the rail passenger carrier which was grossly negligent or which constituted intentional misconduct.

(f) DEFINITIONS.—In this section, the terms “passenger” and “rail passenger accident” have the meaning given those terms by section 1139 of this title.

(g) FUNDING.—Out of funds appropriated pursuant to section 20117(a)(1)(A), there shall be made available to the Secretary of Transportation \$500,000 for fiscal year 2010 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.

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SUBTITLE VII—AVIATION PROGRAMS

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PART A—AIR COMMERCE AND SAFETY

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SUBPART i—GENERAL

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CHAPTER 401—GENERAL PROVISIONS

Sec.

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[40119..]

40119. *Sensitive security information.*

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40131. *Cooperative Aviation Recruitment, Enrichment, and Employment Readiness Program.*

40132. *National airspace system cyber threat management process.*

§ 40101. Policy

(a) ECONOMIC REGULATION.—In carrying out subpart II of this part and those provisions of subpart IV applicable in carrying out subpart II, the Secretary of Transportation shall consider the following matters, among others, as being in the public interest and consistent with public convenience and necessity:

- (1) assigning and maintaining safety as the highest priority in air commerce.
- (2) before authorizing new air transportation services, evaluating the safety implications of those services.
- (3) preventing deterioration in established safety procedures, recognizing the clear intent, encouragement, and dedication of Congress to further the highest degree of safety in air transportation and air commerce, and to maintain the safety vigilance that has evolved in air transportation and air commerce and has come to be expected by the traveling and shipping public.
- (4) the availability of a variety of adequate, economic, efficient, and low-priced services without unreasonable discrimination or unfair or deceptive practices.

- (5) coordinating transportation by, and improving relations among, air carriers, and encouraging fair wages and working conditions.
- (6) placing maximum reliance on competitive market forces and on actual and potential competition—
 - (A) to provide the needed air transportation system; and
 - (B) to encourage efficient and well-managed air carriers to earn adequate profits and attract capital, considering any material differences between interstate air transportation and foreign air transportation.
- (7) developing and maintaining a sound regulatory system that is responsive to the needs of the public and in which decisions are reached promptly to make it easier to adapt the air transportation system to the present and future needs of—
 - (A) the commerce of the United States;
 - (B) the United States Postal Service; and
 - (C) the national defense.
- (8) encouraging air transportation at major urban areas through secondary or satellite airports if consistent with regional airport plans of regional and local authorities, and if endorsed by appropriate State authorities—
 - (A) encouraging the transportation by air carriers that provide, in a specific market, transportation exclusively at those airports; and
 - (B) fostering an environment that allows those carriers to establish themselves and develop secondary or satellite airport services.
- (9) preventing unfair, deceptive, predatory, or anticompetitive practices in air transportation.
- (10) avoiding unreasonable industry concentration, excessive market domination, monopoly powers, and other conditions that would tend to allow at least one air carrier or foreign air carrier unreasonably to increase prices, reduce services, or exclude competition in air transportation.
- (11) maintaining a complete and convenient system of continuous scheduled interstate air transportation for small communities and isolated areas with direct financial assistance from the United States Government when appropriate.
- (12) encouraging, developing, and maintaining an air transportation system relying on actual and potential competition—
 - (A) to provide efficiency, innovation, and low prices; and
 - (B) to decide on the variety and quality of, and determine prices for, air transportation services.
- (13) encouraging entry into air transportation markets by new and existing air carriers and the continued strengthening of small air carriers to ensure a more effective and competitive airline industry.
- (14) promoting, encouraging, and developing civil aeronautics and a viable, privately-owned United States air transport industry.
- (15) strengthening the competitive position of air carriers to at least ensure equality with foreign air carriers, including the attainment of the opportunity for air carriers to maintain and increase their profitability in foreign air transportation.

(16) ensuring that consumers in all regions of the United States, including those in small communities and rural and remote areas, have access to affordable, regularly scheduled air service.

(17) preventing the undermining of labor standards.

(b) ALL-CARGO AIR TRANSPORTATION CONSIDERATIONS.—In carrying out subpart II of this part and those provisions of subpart IV applicable in carrying out subpart II, the Secretary of Transportation shall consider the following matters, among others and in addition to the matters referred to in subsection (a) of this section, as being in the public interest for all-cargo air transportation:

(1) encouraging and developing an expedited all-cargo air transportation system provided by private enterprise and responsive to—

- (A) the present and future needs of shippers;
- (B) the commerce of the United States; and
- (C) the national defense.

(2) encouraging and developing an integrated transportation system relying on competitive market forces to decide the extent, variety, quality, and price of services provided.

(3) providing services without unreasonable discrimination, unfair or deceptive practices, or predatory pricing.

(c) GENERAL SAFETY CONSIDERATIONS.—In carrying out subpart III of this part and those provisions of subpart IV applicable in carrying out subpart III, the Administrator of the Federal Aviation Administration shall consider the following matters:

(1) the requirements of national defense and commercial and general aviation.

(2) the public right of freedom of transit through the navigable airspace.

(d) SAFETY CONSIDERATIONS IN PUBLIC INTEREST.—In carrying out subpart III of this part and those provisions of subpart IV applicable in carrying out subpart III, the Administrator shall consider the following matters, among others, as being in the public interest:

(1) assigning, maintaining, and enhancing safety and security as the highest priorities in air commerce.

(2) regulating air commerce in a way that best promotes safety and fulfills national defense requirements.

(3) encouraging and developing civil aeronautics, including new aviation technology.

(4) controlling the use of the navigable airspace and regulating civil and military operations in that airspace in the interest of the safety and efficiency of both of those operations.

(5) consolidating research and development for air navigation facilities and the installation and operation of those facilities.

(6) developing and operating a common system of air traffic control and navigation for military and civil aircraft.

(7) providing assistance to law enforcement agencies in the enforcement of laws related to regulation of controlled substances, to the extent consistent with aviation safety.

(e) INTERNATIONAL AIR TRANSPORTATION.—In formulating United States international air transportation policy, the Secretaries of State and Transportation shall develop a negotiating policy emphasizing the greatest degree of competition compatible with a well-

functioning international air transportation system, including the following:

(1) strengthening the competitive position of air carriers to ensure at least equality with foreign air carriers, including the attainment of the opportunity for air carriers to maintain and increase their profitability in foreign air transportation.

(2) freedom of air carriers and foreign air carriers to offer prices that correspond to consumer demand.

(3) the fewest possible restrictions on charter air transportation.

(4) the maximum degree of multiple and permissive international authority for air carriers so that they will be able to respond quickly to a shift in market demand.

(5) eliminating operational and marketing restrictions to the greatest extent possible.

(6) integrating domestic and international air transportation.

(7) increasing the number of nonstop United States gateway cities.

(8) opportunities for carriers of foreign countries to increase their access to places in the United States if exchanged for benefits of similar magnitude for air carriers or the traveling public with permanent linkage between rights granted and rights given away.

(9) eliminating discrimination and unfair competitive practices faced by United States airlines in foreign air transportation, including—

- (A) excessive landing and user fees;
- (B) unreasonable ground handling requirements;
- (C) unreasonable restrictions on operations;
- (D) prohibitions against change of gauge; and
- (E) similar restrictive practices.

(10) promoting, encouraging, and developing civil aeronautics and a viable, privately-owned United States air transport industry.

(11) *preventing the undermining of labor standards.*

(f) STRENGTHENING COMPETITION.—In selecting an air carrier to provide foreign air transportation from among competing applicants, the Secretary of Transportation shall consider, in addition to the matters specified in subsections (a) and (b) of this section, the strengthening of competition among air carriers operating in the United States to prevent unreasonable concentration in the air carrier industry.

§ 40102. Definitions

(a) GENERAL DEFINITIONS.—In this part—

(1) “aeronautics” means the science and art of flight.

(2) “air carrier” means a citizen of the United States undertaking by any means, directly or indirectly, to provide air transportation.

(3) “air commerce” means foreign air commerce, interstate air commerce, the transportation of mail by aircraft, the operation of aircraft within the limits of a Federal airway, or the operation of aircraft that directly affects, or may endanger safety in, foreign or interstate air commerce.

(4) “air navigation facility” means a facility used, available for use, or designed for use, in aid of air navigation, including—

(A) a landing area;

(B) runway lighting and airport surface visual and other navigation aids;

(C) apparatus, equipment, software, or service for distributing aeronautical and meteorological information to air traffic control facilities or aircraft;

(D) communication, navigation, or surveillance equipment for air-to-ground or air-to-air applications;

(E) any structure, equipment, or mechanism for guiding or controlling flight in the air or the landing and takeoff of aircraft; and

(F) buildings, equipment, and systems dedicated to the national airspace system.

(5) “air transportation” means foreign air transportation, interstate air transportation, or the transportation of mail by aircraft.

(6) “aircraft” means any contrivance invented, used, or designed to navigate, or fly in, the air.

(7) “aircraft engine” means an engine used, or intended to be used, to propel an aircraft, including a part, appurtenance, and accessory of the engine, except a propeller.

(8) “airman” means an individual—

(A) in command, or as pilot, mechanic, or member of the crew, who navigates aircraft when under way;

(B) except to the extent the Administrator of the Federal Aviation Administration may provide otherwise for individuals employed outside the United States, who is directly in charge of inspecting, maintaining, overhauling, or repairing aircraft, aircraft engines, propellers, or appliances; or

(C) who serves as an aircraft dispatcher or air traffic control-tower operator.

(9) “airport” means a landing area used regularly by aircraft for receiving or discharging passengers or cargo.

(10) “all-cargo air transportation” means the transportation by aircraft in interstate air transportation of only property or only mail, or both.

(11) “appliance” means an instrument, equipment, apparatus, a part, an appurtenance, or an accessory used, capable of being used, or intended to be used, in operating or controlling aircraft in flight, including a parachute, communication equipment, and another mechanism installed in or attached to aircraft during flight, and not a part of an aircraft, aircraft engine, or propeller.

(12) “cargo” means property, mail, or both.

(13) “charter air carrier” means an air carrier holding a certificate of public convenience and necessity that authorizes it to provide charter air transportation.

(14) “charter air transportation” means charter trips in air transportation authorized under this part.

(15) “citizen of the United States” means—

(A) an individual who is a citizen of the United States;

- (B) a partnership each of whose partners is an individual who is a citizen of the United States; or
- (C) a corporation or association organized under the laws of the United States or a State, the District of Columbia, or a territory or possession of the United States, of which the president and at least two-thirds of the board of directors and other managing officers are citizens of the United States, which is under the actual control of citizens of the United States, and in which at least 75 percent of the voting interest is owned or controlled by persons that are citizens of the United States.
- (16) “civil aircraft” means an aircraft except a public aircraft.
- (17) “civil aircraft of the United States” means an aircraft registered under chapter 441 of this title.
- (18) “conditional sales contract” means a contract—
- (A) for the sale of an aircraft, aircraft engine, propeller, appliance, or spare part, under which the buyer takes possession of the property but title to the property vests in the buyer at a later time on—
- (i) paying any part of the purchase price;
 - (ii) performing another condition; or
 - (iii) the happening of a contingency; or
- (B) to bail or lease an aircraft, aircraft engine, propeller, appliance, or spare part, under which the bailee or lessee—
- (i) agrees to pay an amount substantially equal to the value of the property; and
 - (ii) is to become, or has the option of becoming, the owner of the property on complying with the contract.
- (19) “conveyance” means an instrument, including a conditional sales contract, affecting title to, or an interest in, property.
- (20) “Federal airway” means a part of the navigable airspace that the Administrator designates as a Federal airway.
- (21) “foreign air carrier” means a person, not a citizen of the United States, undertaking by any means, directly or indirectly, to provide foreign air transportation.
- (22) “foreign air commerce” means the transportation of passengers or property by aircraft for compensation, the transportation of mail by aircraft, or the operation of aircraft in furthering a business or vocation, between a place in the United States and a place outside the United States when any part of the transportation or operation is by aircraft.
- (23) “foreign air transportation” means the transportation of passengers or property by aircraft as a common carrier for compensation, or the transportation of mail by aircraft, between a place in the United States and a place outside the United States when any part of the transportation is by aircraft.
- (24) “interstate air commerce” means the transportation of passengers or property by aircraft for compensation, the transportation of mail by aircraft, or the operation of aircraft in furthering a business or vocation—
- (A) between a place in—

(i) a State, territory, or possession of the United States and a place in the District of Columbia or another State, territory, or possession of the United States;

(ii) a State and another place in the same State through the airspace over a place outside the State;

(iii) the District of Columbia and another place in the District of Columbia; or

(iv) a territory or possession of the United States and another place in the same territory or possession; and

(B) when any part of the transportation or operation is by aircraft.

(25) “interstate air transportation” means the transportation of passengers or property by aircraft as a common carrier for compensation, or the transportation of mail by aircraft—

(A) between a place in—

(i) a State, territory, or possession of the United States and a place in the District of Columbia or another State, territory, or possession of the United States;

(ii) Hawaii and another place in Hawaii through the airspace over a place outside Hawaii;

(iii) the District of Columbia and another place in the District of Columbia; or

(iv) a territory or possession of the United States and another place in the same territory or possession; and

(B) when any part of the transportation is by aircraft.

(26) “intrastate air carrier” means a citizen of the United States undertaking by any means to provide only intrastate air transportation.

(27) “intrastate air transportation” means the transportation by a common carrier of passengers or property for compensation, entirely in the same State, by turbojet-powered aircraft capable of carrying at least 30 passengers.

(28) “landing area” means a place on land or water, including an airport or intermediate landing field, used, or intended to be used, for the takeoff and landing of aircraft, even when facilities are not provided for sheltering, servicing, or repairing aircraft, or for receiving or discharging passengers or cargo.

(29) “large hub airport” means a commercial service airport (as defined in section 47102) that has at least 1.0 percent of the passenger boardings.

(30) “mail” means United States mail and foreign transit mail.

(31) “medium hub airport” means a commercial service airport (as defined in section 47102) that has at least 0.25 percent but less than 1.0 percent of the passenger boardings.

(32) “navigable airspace” means airspace above the minimum altitudes of flight prescribed by regulations under this subpart and subpart III of this part, including airspace needed to ensure safety in the takeoff and landing of aircraft.

(33) “navigate aircraft” and “navigation of aircraft” include piloting aircraft.

(34) “nonhub airport” means a commercial service airport (as defined in section 47102) that has less than 0.05 percent of the passenger boardings.

(35) “operate aircraft” and “operation of aircraft” mean using aircraft for the purposes of air navigation, including—

(A) the navigation of aircraft; and

(B) causing or authorizing the operation of aircraft with or without the right of legal control of the aircraft.

(36) “passenger boardings”—

(A) means, unless the context indicates otherwise, revenue passenger boardings in the United States in the prior calendar year on an aircraft in service in air commerce, as the Secretary determines under regulations the Secretary prescribes; and

(B) includes passengers who continue on an aircraft in international flight that stops at an airport in the 48 contiguous States, Alaska, or Hawaii for a nontraffic purpose.

(37) “person”, in addition to its meaning under section 1 of title 1, includes a governmental authority and a trustee, receiver, assignee, and other similar representative.

(38) “predatory” means a practice that violates the antitrust laws as defined in the first section of the Clayton Act (15 U.S.C. 12).

(39) “price” means a rate, fare, or charge.

(40) “propeller” includes a part, appurtenance, and accessory of a propeller.

(41) “public aircraft” means any of the following:

(A) Except with respect to an aircraft described in subparagraph (E), an aircraft used only for the United States Government, except as provided in section 40125(b).

(B) An aircraft owned by the Government and operated by any person for purposes related to crew training, equipment development, or demonstration, except as provided in section 40125(b).

(C) An aircraft owned and operated by the government of a State, the District of Columbia, or a territory or possession of the United States or a political subdivision of one of these governments, except as provided in section 40125(b).

(D) An aircraft exclusively leased for at least 90 continuous days by the government of a State, the District of Columbia, or a territory or possession of the United States or a political subdivision of one of these governments, except as provided in section 40125(b).

(E) An aircraft owned or operated by the armed forces or chartered to provide transportation or other commercial air service to the armed forces under the conditions specified by section 40125(c). In the preceding sentence, the term “other commercial air service” means an aircraft operation that (i) is within the United States territorial airspace; (ii) the Administrator of the Federal Aviation Administration determines is available for compensation or hire to the public, and (iii) must comply with all applicable civil aircraft rules under title 14, Code of Federal Regulations.

(F) An unmanned aircraft that is owned and operated by, or exclusively leased for at least 90 continuous days by, an Indian Tribal government, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), except as provided in section 40125(b).

(42) “small hub airport” means a commercial service airport (as defined in section 47102) that has at least 0.05 percent but less than 0.25 percent of the passenger boardings.

(43) “spare part” means an accessory, appurtenance, or part of an aircraft (except an aircraft engine or propeller), aircraft engine (except a propeller), propeller, or appliance, that is to be installed at a later time in an aircraft, aircraft engine, propeller, or appliance.

(44) “State authority” means an authority of a State designated under State law—

(A) to receive notice required to be given a State authority under subpart II of this part; or

(B) as the representative of the State before the Secretary of Transportation in any matter about which the Secretary is required to consult with or consider the views of a State authority under subpart II of this part.

(45) “ticket agent” means a person (except an air carrier, a foreign air carrier, or an employee of an air carrier or foreign air carrier) that as a principal or agent sells, offers for sale, negotiates for, or holds itself out as selling, providing, or arranging for, air transportation.

(46) “United States” means the States of the United States, the District of Columbia, and the territories and possessions of the United States, including the territorial sea and the overlying airspace.

(47) “air traffic control system” means the combination of elements used to safely and efficiently monitor, direct, control, and guide aircraft in the United States and United States-assigned airspace, including—

(A) allocated electromagnetic spectrum and physical, real, personal, and intellectual property assets making up facilities, equipment, and systems employed to detect, track, and guide aircraft movement;

(B) laws, regulations, orders, directives, agreements, and licenses;

(C) published procedures that explain required actions, activities, and techniques used to ensure adequate aircraft separation; **[and]**

(D) trained personnel with specific technical capabilities to satisfy the operational, engineering, management, and planning requirements for air traffic control**[.]**; *and*

(E) *systems, software, and hardware operated, owned, and maintained by third parties that support or directly provide air navigation information and air traffic management services with Administration approval.*

(b) LIMITED DEFINITION.—In subpart II of this part, “control” means control by any means.

§ 40103. Sovereignty and use of airspace

(a) SOVEREIGNTY AND PUBLIC RIGHT OF TRANSIT.—(1) The United States Government has exclusive sovereignty of airspace of the United States.

(2) A citizen of the United States has a public right of transit through the navigable airspace. To further that right, the Secretary of Transportation shall consult with the Architectural and Transportation Barriers Compliance Board established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792) before prescribing a regulation or issuing an order or procedure that will have a significant impact on the accessibility of commercial airports or commercial air transportation for [handicapped individuals] *individuals with disabilities*.

(b) USE OF AIRSPACE.—(1) The Administrator of the Federal Aviation Administration shall develop plans and policy for the use of the navigable airspace and assign by regulation or order the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. The Administrator may modify or revoke an assignment when required in the public interest.

(2) The Administrator shall prescribe air traffic regulations on the flight of aircraft (including regulations on safe altitudes) for—

- (A) navigating, protecting, and identifying aircraft;
- (B) protecting individuals and property on the ground;
- (C) using the navigable airspace efficiently; and
- (D) preventing collision between aircraft, between aircraft and land or water vehicles, and between aircraft and airborne objects.

(3) To establish security provisions that will encourage and allow maximum use of the navigable airspace by civil aircraft consistent with national security, the Administrator, in consultation with the Secretary of Defense, shall—

- (A) establish areas in the airspace the Administrator decides are necessary in the interest of national defense; and
- (B) by regulation or order, restrict or prohibit flight of civil aircraft that the Administrator cannot identify, locate, and control with available facilities in those areas.

(4) Notwithstanding the military exception in section 553(a)(1) of title 5, subchapter II of chapter 5 of title 5 applies to a regulation prescribed under this subsection.

(5)(A) *In issuing a temporary flight restriction, the Administrator shall—*

- (i) *ensure there is a specific and articulable safety or security basis for the size, scope, and duration of such restriction;*
- (ii) *immediately distribute a notice of the temporary flight restriction via the Notice to Air Missions system; and*
- (iii) *detail in the notice required under clause (ii)—*
 - (I) *the safety basis for the restriction; and*
 - (II) *how a covered person may lawfully and expeditiously operate an aircraft within the restriction.*

(B) *In this paragraph, the term “covered person” means—*

- (i) *a public safety agency;*
- (ii) *a first responder;*
- (iii) *an accredited news representative; or*
- (iv) *any other person as determined appropriate by the Administrator.*

(c) FOREIGN AIRCRAFT.—A foreign aircraft, not part of the armed forces of a foreign country, may be navigated in the United States as provided in section 41703 of this title.

(d) AIRCRAFT OF ARMED FORCES OF FOREIGN COUNTRIES.—Aircraft of the armed forces of a foreign country may be navigated in the United States only when authorized by the Secretary of State.

(e) NO EXCLUSIVE RIGHTS AT CERTAIN FACILITIES.—A person does not have an exclusive right to use an air navigation facility on which Government money has been expended. However, providing services at an airport by only one fixed-based operator is not an exclusive right if—

(1) it is unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide the services; and

(2) allowing more than one fixed-based operator to provide the services requires a reduction in space leased under an agreement existing on September 3, 1982, between the operator and the airport.

§ 40104. Promotion of civil aeronautics and safety of air commerce

(a) DEVELOPING CIVIL AERONAUTICS AND SAFETY OF AIR COMMERCE.—The Administrator of the Federal Aviation Administration shall encourage the development of civil aeronautics and safety of air commerce in and outside the United States. [In carrying out this subsection, the Administrator shall take action that the Administrator considers necessary to establish, within available resources, a program to distribute civil aviation information in each region served by the Administration. The program shall provide, on request, informational material and expertise on civil aviation to State and local school administrators, college and university officials, and officers of other interested organizations.]

[(c)] (b) AIRPORT CAPACITY ENHANCEMENT PROJECTS AT CONGESTED AIRPORTS.—In carrying out subsection (a), the Administrator shall take action to encourage the construction of airport capacity enhancement projects at congested airports as those terms are defined in section 47175.

(c) EDUCATIONAL AND PROFESSIONAL DEVELOPMENT.—

(1) IN GENERAL.—*In carrying out subsection (a), the Administrator shall support and undertake efforts, including through the National Center for the Advancement of Aerospace, to promote and support the education of current and future aerospace professionals.*

(2) EDUCATION MATERIALS.—*Based on the availability of resources, the Administrator shall distribute civil aviation information, and educational materials, and provide expertise to State and local school administrators, college and university officials, and officers of other interested organizations and entities.*

(3) SUPPORT FOR PROFESSIONAL DEVELOPMENT AND CONTINUING EDUCATION.—*To the extent a nonprofit organization, association, industry group, educational institution, collective bargaining unit, governmental organization, or other entity that organizes or hosts a lecture, conference, convention, meeting, round table, or any other type of program with the purpose of*

sharing educational information related to aerospace with a broad audience, the Administrator shall—

(A) strongly consider accepting an invitation to attend, present, and contribute to content generation; and

(B) make efforts to share information each year, putting a particular emphasis on reaching audiences consisting of representatives of the Administrator and entities regulated entities by the Administrator.

(4) CONTENT.—In planning for the opportunities under paragraph (3), the Administrator shall maintain presentations and content covering topics of broad relevance, including—

(A) ethical decision-making and the responsibilities of aerospace professionals;

(B) managing a workforce, encouraging proper reporting of prospective safety issues, and educating employees on safety management systems; and

(C) responsibilities as a designee or representative of the Administrator.

[(b)] (d)

(1) IN GENERAL.—[The Administrator] *In carrying out subsection (a), the Administrator shall promote and achieve global improvements in the safety, efficiency, and environmental effect of air travel by exercising leadership with the Administrator's foreign counterparts, in the International Civil Aviation Organization and its subsidiary organizations, and other international organizations and fora, and with the private sector.*

(2) INTERNATIONAL PRESENCE.—The Administrator shall maintain an international presence to—

(A) assist foreign civil aviation authorities in—

(i) establishing robust aerospace oversight practices and policies;

(ii) training staff, to include inspectors and accident investigators;

(iii) harmonizing international aerospace standards for air traffic management, operator certification, aircraft certification, airports, and certificated or credentialed individuals;

(iv) validating and accepting foreign aircraft design and production approvals;

(v) maintaining appropriate levels of air navigation services;

(vi) preparing for new aerospace technologies; and

(vii) appropriately adopting continuing airworthiness information, such as airworthiness directives;

(B) encourage the adoption of United States standards, regulations, and policies;

(C) establish, maintain, and update bilateral or multilateral aviation safety agreements and the aviation safety information contained within such agreements;

(D) engage in bilateral and multilateral discussions and provide technical assistance as described in paragraph (5);

(E) validate foreign aerospace products and ensure reciprocal validation of products for which the United States is the state of design or production;

(F) support accident and incident investigations, particularly such investigations that involve United States persons and certified products and such investigations where the National Transportation Safety Board is supporting an investigation pursuant to annex 13 of the International Civil Aviation Organization;

(G) support the international activities of the United States aerospace sector;

(H) maintain valuable relationships with entities with aerospace equities, including civil aviation authorities, other governmental bodies, non-governmental organizations, and foreign manufacturers; and

(I) perform other activities as determined necessary by the Administrator.

(3) *INTERNATIONAL OFFICES.*—In carrying out the responsibilities described in subsection (a), the Administrator shall—

(A) maintain international offices of the Administration;

(B) every 3 years, review existing international offices to determine—

(i) the effectiveness of such offices in fulfilling the mission described in paragraph (2); and

(ii) the adequacy of resources and staffing to achieve the mission described in paragraph (2);

(C) establish offices to address gaps identified by the review under subparagraph (B) and in furtherance of the mission described in paragraph (2), putting an emphasis on establishing such offices—

(i) where international civil aviation authorities are located;

(ii) where regional intergovernmental organizations are located;

(iii) in countries that have difficulty maintaining a category 1 classification through the International Aviation Safety Assessment program; and

(iv) in regions that have experienced substantial growth in aerospace operations or manufacturing.

[(2)] (4) *BILATERAL AND MULTILATERAL ENGAGEMENT; TECHNICAL ASSISTANCE.*—The Administrator shall—

(A) in consultation with the Secretary of State, engage bilaterally and multilaterally, including with the International Civil Aviation Organization, on an ongoing basis to bolster international collaboration, data sharing, and harmonization of international aviation safety requirements including through—

(i) sharing of continued operational safety information;

(ii) prioritization of pilot training deficiencies, including manual flying skills and flight crew training, to discourage over reliance on automation, further bolstering the components of airmanship;

(iii) encouraging the consideration of the safety advantages of appropriate Federal regulations, which may include relevant Federal regulations pertaining to flight crew training requirements; and

(iv) prioritizing any other flight crew training areas that the Administrator believes will enhance all international aviation safety; and

(B) seek to expand technical assistance provided by the Federal Aviation Administration in support of enhancing international aviation safety, including by—

(i) promoting and enhancing effective oversight systems, including operational safety enhancements identified through data collection and analysis;

(ii) promoting and encouraging compliance with international safety standards by counterpart civil aviation authorities;

(iii) minimizing cybersecurity threats and vulnerabilities across the aviation ecosystem;

(iv) supporting the sharing of safety information, best practices, risk assessments, and mitigations through established international aviation safety groups; and

(v) providing technical assistance on any other aspect of aviation safety that the Administrator determines is likely to enhance international aviation safety.

(5) *BILATERAL AVIATION SAFETY AGREEMENTS.*—

(A) *IN GENERAL.*—*The Administrator shall negotiate, enter into, promote, enforce, evaluate the effectiveness of, and seek to update bilateral or multilateral aviation safety agreements, and the parts of such agreements, with international aviation authorities.*

(B) *PURPOSE.*—*The Administrator shall seek to enter into bilateral aviation safety agreements under this section to, at a minimum—*

(i) improve global aerospace safety;

(ii) increase harmonization of, and reduce duplicative, requirements, processes, and approvals to advance the aerospace interests of the United States;

(iii) ensure access to international markets for operators, service providers, and manufacturers from the United States; and

(iv) put in place procedures for recourse when a party to such agreements fails to meet the obligations of such party under such agreements.

(C) *SCOPE.*—*The scope of a bilateral aviation safety agreement entered into under this section shall, as appropriate, cover existing aerospace users and concepts and establish a process by which bilateral aviation safety agreements can be updated to include new and novel concepts on an ongoing basis.*

(D) *CONTENTS.*—*Bilateral aviation safety agreements entered into under this section shall, as appropriate and consistent with United States law and regulation, include topics such as—*

(i) airworthiness, certification, and validation;

(ii) maintenance;

(iii) operations and pilot training;

- (iv) *airspace access, efficiencies, and navigation services;*
- (v) *transport category aircraft;*
- (vi) *fixed-wing aircraft, rotorcraft, and powered-lift aircraft;*
- (vii) *aerodrome certification;*
- (viii) *unmanned aircraft and associated elements of such aircraft;*
- (ix) *flight simulation training devices;*
- (x) *new or emerging aerospace technologies and technology trends; and*
- (xi) *other topics as determined appropriate by the Administrator.*

(E) *RULE OF CONSTRUCTION.—Bilateral or multilateral aviation safety agreements entered into under this subsection shall not be construed to diminish or alter any authority of the Administrator under any other provision of law.*

(6) *STRATEGIC PLAN.—The Administrator shall maintain a strategic plan for the international engagement of the Administration that includes—*

(A) *all elements of the report required in section 243(b)(1) of the FAA Reauthorization Act of 2018 (49 U.S.C. 44701 note);*

(B) *measures to fulfill the mission described in paragraph (2);*

(C) *initiatives to attain greater expertise among employees of the Federal Aviation Administration in issues related to dispute resolution, intellectual property, and expert control laws;*

(D) *policy regarding the future direction and strategy of the United States engagement with the International Civil Aviation Organization;*

(E) *procedures for acceptance of mandatory airworthiness information, such as airworthiness directives, and other safety-related regulatory documents, including procedures to implement the requirements of section 44701(e)(5);*

(F) *all factors, including funding and resourcing, necessary for the Administration to maintain leadership in the global activities related to aviation safety and air transportation; and*

(G) *establishment of, and a process to regularly track and update, metrics to measure the effectiveness of, and foreign civil aviation authority compliance with, bilateral aviation safety agreements.*

[(d)] (e) **PROMOTION OF UNITED STATES AEROSPACE STANDARDS, PRODUCTS, AND SERVICES ABROAD.—**The Secretary shall take appropriate actions to—

(1) *promote United States aerospace-related safety standards abroad;*

(2) *facilitate and vigorously defend approvals of United States aerospace products and services abroad;*

(3) *with respect to bilateral partners, utilize bilateral safety agreements and other mechanisms to improve validation of United States certificated aeronautical products, services, and*

appliances and enhance mutual acceptance in order to eliminate redundancies and unnecessary costs; and

(4) with respect to the aeronautical safety authorities of a foreign country, streamline validation and coordination processes.

(f) *TRAVEL.*—*The Administrator and the Secretary of Transportation shall, in carrying out the responsibilities described in subsection (a), delegate to the appropriate supervisors of offices of the Administration the ability to authorize the domestic and international travel of relevant personnel who are not in the Federal Aviation Administration Executive System, without any additional approvals required, for the purposes of—*

(1) *promoting aviation safety, aircraft operations, air traffic, airport, unmanned aircraft systems, commercial space transportation, and other aviation standards and regulations adopted by the United States;*

(2) *facilitating the adoption of United States approaches on standards and recommended practices at the International Civil Aviation Organization;*

(3) *promoting environmental standards adopted by the United States and standards promulgated under section 44714;*

(4) *supporting the acceptance of Administration design and production approvals by other civil aviation authorities;*

(5) *training Administration personnel and training provided to other persons;*

(6) *engaging with regulated entities, including performing site visits;*

(7) *activities associated with subsections (c) through (f) of this section; and*

(8) *other activities as determined by the Administrator.*

* * * * *

§ 40109. Authority to exempt

(a) **AIR CARRIERS AND FOREIGN AIR CARRIERS NOT ENGAGED DIRECTLY IN OPERATING AIRCRAFT.**—(1) The Secretary of Transportation may exempt from subpart II of this part—

(A) an air carrier not engaged directly in operating aircraft in air transportation; or

(B) a foreign air carrier not engaged directly in operating aircraft in foreign air transportation.

(2) The exemption is effective to the extent and for periods that the Secretary decides are in the public interest.

(b) **SAFETY REGULATION.**—The Administrator of the Federal Aviation Administration may grant an exemption from a regulation prescribed in carrying out [sections 40103(b)(1) and (2) of this title] paragraphs (1) and (2) of section 40103(b) when the Administrator decides the exemption is in the public interest.

(c) **OTHER ECONOMIC REGULATION.**—Except as provided in this section, the Secretary may exempt to the extent the Secretary considers necessary a person or class of persons from a provision of chapter 411, chapter 413 (except sections 41307 and 41310(b)–(f)), chapter 415 (except sections 41502, 41505, and 41507–41509), chapter 417 (except sections 41703, 41704, 41710, 41713, and 41714), chapter 419, subchapter II of chapter 421, and sections 44909(a), 44909(b), and 46301(b) of this title, or a regulation or

term prescribed under any of those provisions, when the Secretary decides that the exemption is consistent with the public interest.

(d) LABOR REQUIREMENTS.—The Secretary may not exempt an air carrier from section 42112 of this title. However, the Secretary may exempt from section 42112(b)(1) and (2) an air carrier not providing scheduled air transportation, and the operations conducted during daylight hours by an air carrier providing scheduled air transportation, when the Secretary decides that—

(1) because of the limited extent of, or unusual circumstances affecting, the operation of the air carrier, the enforcement of section 42112(b)(1) and (2) of this title is or would be an unreasonable burden on the air carrier that would obstruct its development and prevent it from beginning or continuing operations; and

(2) the exemption would not affect adversely the public interest.

(e) MAXIMUM FLYING HOURS.—The Secretary may not exempt an air carrier under this section from a provision referred to in subsection (c) of this section, or a regulation or term prescribed under any of those provisions, that sets maximum flying hours for pilots or copilots.

(f) SMALLER AIRCRAFT.—(1) An air carrier is exempt from section 41101(a)(1) of this title, and the Secretary may exempt an air carrier from another provision of subpart II of this part, if the air carrier—

(A)(i) provides passenger transportation only with aircraft having a maximum capacity of 55 passengers; or

(ii) provides the transportation of cargo only with aircraft having a maximum payload of less than 18,000 pounds; and

(B) complies with liability insurance requirements and other regulations the Secretary prescribes.

(2) The Secretary may increase the passenger or payload capacities when the public interest requires.

(3)(A) An exemption under this subsection applies to an air carrier providing air transportation between 2 places in Alaska, or between Alaska and Canada, only if the carrier is authorized by Alaska to provide the transportation.

(B) The Secretary may limit the number or location of places that may be served by an air carrier providing transportation only in Alaska under an exemption from section 41101(a)(1) of this title, or the frequency with which the transportation may be provided, only when the Secretary decides that providing the transportation substantially impairs the ability of an air carrier holding a certificate issued by the Secretary to provide its authorized transportation, including the minimum transportation requirement for Alaska specified under section 41732(b)(1)(B) of this title.

(g) EMERGENCY AIR TRANSPORTATION BY FOREIGN AIR CARRIERS.—(1) To the extent that the Secretary decides an exemption is in the public interest, the Secretary may exempt by order a foreign air carrier from the requirements and limitations of this part for not more than 30 days to allow the foreign air carrier to carry passengers or cargo in interstate air transportation in certain markets if the Secretary finds that—

(A) because of an emergency created by unusual circumstances not arising in the normal course of business, air

carriers holding certificates under section 41102 of this title cannot accommodate traffic in those markets;

(B) all possible efforts have been made to accommodate the traffic by using the resources of the air carriers, including the use of—

(i) foreign aircraft, or sections of foreign aircraft, under lease or charter to the air carriers; and

(ii) the air carriers' reservations systems to the extent practicable;

(C) the exemption is necessary to avoid unreasonable hardship for the traffic in the markets that cannot be accommodated by the air carriers; and

(D) granting the exemption will not result in an unreasonable advantage to any party in a labor dispute where the inability to accommodate traffic in a market is a result of the dispute.

(2) When the Secretary grants an exemption to a foreign air carrier under this subsection, the Secretary shall—

(A) ensure that air transportation that the foreign air carrier provides under the exemption is made available on reasonable terms;

(B) monitor continuously the passenger load factor of air carriers in the market that hold certificates under section 41102 of this title; and

(C) review the exemption at least every 30 days (or, in the case of an exemption that is necessary to provide and sustain air transportation in American Samoa between the islands of Tutuila and Manu'a, at least every 180 days) to ensure that the unusual circumstances that established the need for the exemption still exist.

(3) RENEWAL OF EXEMPTIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may renew an exemption (including renewals) under this subsection for not more than 30 days.

(B) EXCEPTION.—The Secretary may renew an exemption (including renewals) under this subsection that is necessary to provide and sustain air transportation in American Samoa between the islands of Tutuila and Manu'a for not more than 180 days.

(4) CONTINUATION OF EXEMPTIONS.—An exemption granted by the Secretary under this subsection may continue for not more than 5 days after the unusual circumstances that established the need for the exemption cease.

(h) NOTICE AND OPPORTUNITY FOR HEARING.—The Secretary may act under subsections (d) and (f)(3)(B) of this section only after giving the air carrier notice and an opportunity for a hearing.

§ 40110. General procurement authority

(a) GENERAL.—In carrying out this part, the Administrator of the Federal Aviation Administration—

(1) to the extent that amounts are available for obligation, may acquire services or, by condemnation or otherwise, an interest in property, including an interest in airspace immediately adjacent to and needed for airports and other air navi-

gation facilities owned by the United States Government and operated by the Administrator;

(2) may construct and improve laboratories and other test facilities; and

(3) may dispose of any interest in property for adequate compensation, and the amount so received shall—

(A) be credited to the appropriation current when the amount is received;

(B) be merged with and available for the purposes of such appropriation; and

(C) remain available until expended.

(b) PURCHASE OF HOUSING UNITS.—

(1) AUTHORITY.—In carrying out this part, the Administrator may purchase a housing unit (including a condominium or a housing unit in a building owned by a cooperative) that is located outside the contiguous United States if the cost of the unit is \$300,000 or less.

(2) ADJUSTMENTS FOR INFLATION.—For fiscal years beginning after September 30, 1997, the Administrator may adjust the dollar amount specified in paragraph (1) to take into account increases in local housing costs.

(3) CONTINUING OBLIGATIONS.—Notwithstanding section 1341 of title 31, the Administrator may purchase a housing unit under paragraph (1) even if there is an obligation thereafter to pay necessary and reasonable fees duly assessed upon such unit, including fees related to operation, maintenance, taxes, and insurance.

(4) CERTIFICATION TO CONGRESS.—The Administrator may purchase a housing unit under paragraph (1) only if, at least 30 days before completing the purchase, the Administrator transmits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

(A) a description of the housing unit and its price;

(B) a certification that the price does not exceed the median price of housing units in the area; and

(C) a certification that purchasing the housing unit is the most cost-beneficial means of providing necessary accommodations in carrying out this part.

(5) PAYMENT OF FEES.—The Administrator may pay, when due, fees resulting from the purchase of a housing unit under this subsection from any amounts made available to the Administrator.

(c) DUTIES AND POWERS.—When carrying out subsection (a) of this section, the Administrator of the Federal Aviation Administration may—

(1) notwithstanding section 1341(a)(1) of title 31, lease an interest in property for not more than 20 years;

(2) consider the reasonable probable future use of the underlying land in making an award for a condemnation of an interest in airspace;

(3) construct, or acquire an interest in, a public building (as defined in section 3301(a) of title 40) only under a delegation of authority from the Administrator of General Services; and

(4) dispose of property under subsection (a)(2) of this section, except for airport and airway property and technical equipment used for the special purposes of the Administration, only under sections 121, 123, and 126 and chapter 5 of title 40.

(d) ACQUISITION MANAGEMENT SYSTEM.—

(1) IN GENERAL.—In consultation with such non-governmental experts in acquisition management systems as the Administrator may employ, and notwithstanding provisions of Federal acquisition law, the Administrator shall develop **[and implement]**, *implement, and periodically update* an acquisition management system for the Administration that addresses the unique needs of the agency and, at a minimum, provides for—

(A) more timely and cost-effective acquisitions of equipment, services, property, and materials; and

(B) the resolution of bid protests and contract disputes related thereto, using consensual alternative dispute resolution techniques to the maximum extent practicable.

(2) APPLICABILITY OF FEDERAL ACQUISITION LAW.—The following provisions of Federal acquisition law shall not apply to **[the new acquisition management system developed and implemented]** *the acquisition management system developed, implemented, and periodically updated* pursuant to paragraph (1):

(A) Division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41.

(B) Division B (except sections 1704 and 2303) of subtitle I of title 41.

(C) The Federal Acquisition Streamlining Act of 1994 (Public Law 103–355). However, section 4705 of title 41 shall apply to **[the new acquisition management system developed and implemented]** *the acquisition management system developed, implemented, and periodically updated* pursuant to paragraph (1). For the purpose of applying section 4705 of title 41 to the system, the term “executive agency” is deemed to refer to the Federal Aviation Administration.

(D) The Small Business Act (15 U.S.C. 631 et seq.), except that all reasonable opportunities to be awarded contracts shall be provided to small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals.

(E) The Competition in Contracting Act.

(F) Subchapter V of chapter 35 of title 31, relating to the procurement protest system.

(G) The Federal Acquisition Regulation and any laws not listed in subparagraphs (A) through (F) providing authority to promulgate regulations in the Federal Acquisition Regulation.

(3) CERTAIN PROVISIONS OF DIVISION B (EXCEPT SECTIONS 1704 AND 2303) OF SUBTITLE I OF TITLE 41.—Notwithstanding paragraph (2)(B), chapter 21 of title 41 shall apply to the **[new]** acquisition management system developed **[and implemented]**, *implemented, and periodically updated* under paragraph (1) with the following modifications:

(A) Sections 2101 and 2106 of title 41 shall not apply.

(B) **【Within 90 days after the date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, the Administrator】** *The Administrator shall adopt definitions for the acquisition management system that are consistent with the purpose and intent of the Office of Federal Procurement Policy Act, as in effect on October 9, 1996.*

(C) After the adoption of those definitions, the criminal, civil, and administrative remedies provided under **【the Office of Federal Procurement Policy Act】** *division B of subtitle I of title 41* apply to the acquisition management system.

(D) In the administration of the acquisition management system, the Administrator may take adverse personnel action under **【section 27(e)(3)(A)(iv) of the Office of Federal Procurement Policy Act】** *section 2105(c)(1)(D) of title 41* in accordance with the procedures contained in the Administration's personnel management system.

(4) COMMERCIAL PRODUCTS AND SERVICES.—*In implementing and updating the acquisition management system pursuant to paragraph (1), the Administrator shall, whenever possible—*

(A) describe the requirements with respect to a solicitation for the procurement of supplies or services in terms of—

(i) functions to be performed;

(ii) performance required; or

(iii) essential physical and system characteristics;

(B) ensure that commercial services or commercial products may be procured to fulfill such solicitation, or to the extent that commercial products suitable to meet the needs of the Administration are not available, ensure that nondevelopmental items other than commercial products may be procured to fulfill such solicitation;

(C) provide offerors of commercial services, commercial products, and nondevelopmental items other than commercial products an opportunity to compete in any solicitation for the procurement of supplies or services;

(D) revise the procurement policies, practices, and procedures of the Administration to reduce any impediments to the acquisition of commercial products and commercial services; and

(E) ensure that procurement officials—

(i) acquire commercial services, commercial products, or nondevelopmental items other than commercial products to meet the needs of the Administration;

(ii) in a solicitation for the procurement of supplies or services, state the specifications for such supplies or services in terms that enable and encourage bidders and offerors to supply commercial services or commercial products, or to the extent that commercial products suitable to meet the needs of the Administration are not available, to supply nondevelopmental items other than commercial products;

(iii) require that prime contractors and subcontractors at all levels under contracts with the Administra-

tion incorporate commercial services, commercial products, or nondevelopmental items other than commercial products as components of items supplied to the Administration;

(iv) modify procurement requirements in appropriate circumstances to ensure that such requirements can be met by commercial services or commercial products, or to the extent that commercial products suitable to meet the needs of the Administration are not available, nondevelopmental items other than commercial products; and

(v) require training of appropriate personnel in the acquisition of commercial products and commercial services.

[(4)] (5) ADJUDICATION OF CERTAIN BID PROTESTS AND CONTRACT DISPUTES.—A bid protest or contract dispute that is not addressed or resolved through alternative dispute resolution shall be adjudicated by the Administrator through Dispute Resolution Officers or Special Masters of the Federal Aviation Administration Office of Dispute Resolution for Acquisition, acting pursuant to sections 46102, 46104, 46105, 46106 and 46107 and shall be subject to judicial review under section 46110 and to section 504 of title 5.

[(5) ANNUAL REPORT ON THE PURCHASE OF FOREIGN MANUFACTURED ARTICLES.—

[(A) REPORT.—(i) Not later than 90 days after the end of the fiscal year, the Secretary of Transportation shall submit a report to Congress on the dollar amount of acquisitions subject to the Buy American Act made by the agency from entities that manufacture the articles, materials, or supplies outside of the United States in such fiscal year.

[(ii)] The report required by clause (i) shall only include acquisitions with total value exceeding the micro-purchase level.

[(B) CONTENTS.—The report required by subparagraph (A) shall separately indicate—

[(i)] the dollar value of any articles, materials, or supplies purchased that were manufactured outside of the United States; and

[(ii)] a summary of the total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States.

[(C) AVAILABILITY OF REPORT.—The Secretary shall make the report under subparagraph (A) publicly available on the agency's website not later than 30 days after submission to Congress.]

(e) PROHIBITION ON RELEASE OF OFFEROR PROPOSALS.—

(1) GENERAL RULE.—Except as provided in paragraph (2), a proposal in the possession or control of the Administrator may not be made available to any person under section 552 of title 5.

(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of a proposal of an offeror the disclosure of which is authorized by the Administrator pursuant to procedures published in the

Federal Register. The Administrator shall provide an opportunity for public comment on the procedures for a period of not less than 30 days beginning on the date of such publication in order to receive and consider the views of all interested parties on the procedures. The procedures shall not take effect before the 60th day following the date of such publication.

(3) PROPOSAL DEFINED.—In this subsection, the term “proposal” means information contained in or originating from any proposal, including a technical, management, or cost proposal, submitted by an offeror in response to the requirements of a solicitation for a competitive proposal.

* * * * *

§ 40113. Administrative

(a) GENERAL AUTHORITY.—The Secretary of Transportation (or the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by that Administrator or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by that Administrator) may take action the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration, as appropriate, considers necessary to carry out this part, including conducting investigations, prescribing regulations, standards, and procedures, and issuing orders.

(b) HAZARDOUS MATERIAL.—In carrying out this part, the Secretary has the same authority to regulate the transportation of hazardous material by air that the Secretary has under section 5103 of this title. However, this subsection does not prohibit or regulate the transportation of a firearm (as defined in section 232 of title 18) or ammunition for a firearm, when transported by an individual for personal use.

(c) GOVERNMENTAL ASSISTANCE.—The Secretary (or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) may use the assistance of the Administrator of the National Aeronautics and Space Administration and any research or technical department, agency, or instrumentality of the United States Government on matters related to aircraft fuel and oil, and to the design, material, workmanship, construction, performance, maintenance, and operation of aircraft, aircraft engines, propellers, appliances, and air navigation facilities. Each department, agency, and instrumentality may conduct scientific and technical research, investigations, and tests necessary to assist the Secretary or Administrator of the Federal Aviation Administration in carrying out this part. This part does not authorize duplicating laboratory research activities of a department, agency, or instrumentality.

(d) INDEMNIFICATION.—The Administrator of the Federal Aviation Administration may indemnify an officer or employee of the Federal Aviation Administration against a claim or judgment arising out of an act that the Administrator decides was committed within the scope of the official duties of the officer or employee.

(e) ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.—

(1) SAFETY-RELATED TRAINING AND OPERATIONAL SERVICES.—The Administrator may provide safety-related training and

operational services to foreign aviation authorities (whether public or private) with or without reimbursement, if the Administrator determines that providing such services promotes aviation safety or efficiency. The Administrator may also provide technical assistance related to all aviation safety-related training and operational services in connection with bilateral and multilateral agreements, including further bolstering the components of airmanship. The Administrator is authorized to participate in, and submit offers in response to, competitions to provide these services, and to contract with foreign aviation authorities to provide these services consistent with section 106(l)(6). To the extent practicable, air travel reimbursed under this subsection shall be conducted on United States air carriers.

(2) REIMBURSEMENT SOUGHT.—The Administrator shall actively seek reimbursement for services provided under this subsection from foreign aviation authorities capable of providing such reimbursement. The Administrator is authorized, notwithstanding any other provision of law or policy, to accept payments for services provided under this subsection in arrears.

(3) CREDITING APPROPRIATIONS.—Funds received by the Administrator pursuant to this section shall—

- (A) be credited to the appropriation current when the amount is received;
- (B) be merged with and available for the purposes of such appropriation; and
- (C) remain available until expended.

[(4) REPORTING.—Not later than December 31, 1995, and annually thereafter, the Administrator shall transmit to Congress a list of the foreign aviation authorities to which the Administrator provided services under this subsection in the preceding fiscal year. Such list shall specify the dollar value of such services and any reimbursement received for such services.]

[(5)] (4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator, \$5,000,000 for each of fiscal years 2021 through 2023, to carry out this subsection. Amounts appropriated under the preceding sentence for any fiscal year shall remain available until expended.

(f) APPLICATION OF CERTAIN REGULATIONS TO ALASKA.—In amending title 14, Code of Federal Regulations, or in administering the Airport Improvement Program under chapter 471 in a manner affecting intrastate aviation in Alaska, the Administrator of the Federal Aviation Administration shall consider the extent to which Alaska is not served by transportation modes other than aviation, and shall establish such regulatory or administrative distinctions as the Administrator considers appropriate.

* * * * *

§ 40117. Passenger facility charges

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) AIRPORT, COMMERCIAL SERVICE AIRPORT, AND PUBLIC AGENCY.—The terms “airport”, “commercial service airport”, and “public agency” have the meaning those terms have under section 47102.

(2) ELIGIBLE AGENCY.—The term “eligible agency” means a public agency that controls a commercial service airport.

(3) ELIGIBLE AIRPORT-RELATED PROJECT.—The term “eligible airport-related project” means any of the following projects:

(A) A project for airport development or airport planning under subchapter I of chapter 471.

(B) A project for terminal development described in section 47119(a).

(C) A project for costs of terminal development referred to in subparagraph (B) incurred after August 1, 1986, at an airport that did not have more than .25 percent of the total annual passenger boardings in the United States in the most recent calendar year for which data is available and at which total passenger boardings declined by at least 16 percent between calendar year 1989 and calendar year 1997.

(D) A project for airport noise capability planning under section 47505.

(E) A project to carry out noise compatibility measures eligible for assistance under section 47504, whether or not a program for those measures has been approved under section 47504.

(F) A project for constructing gates and related areas at which passengers board or exit aircraft. In the case of a project required to enable additional air service by an air carrier with less than 50 percent of the annual passenger boardings at an airport, the project for constructing gates and related areas may include structural foundations and floor systems, exterior building walls and load-bearing interior columns or walls, windows, door and roof systems, building utilities (including heating, air conditioning, ventilation, plumbing, and electrical service), and aircraft fueling facilities adjacent to the gate.

(G) A project for converting vehicles and ground support equipment used at a commercial service airport to low-emission technology (as defined in section 47102) or to use cleaner burning conventional fuels, retrofitting of any such vehicles or equipment that are powered by a diesel or gasoline engine with emission control technologies certified or verified by the Environmental Protection Agency to reduce emissions, or acquiring for use at a commercial service airport vehicles and ground support equipment that include low-emission technology or use cleaner burning fuels if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))) or a maintenance area referred to in section 175A of such Act (42 U.S.C. 7505a) and if such project will result in an airport receiving appropriate emission credits as described in section 47139.

(4) GROUND SUPPORT EQUIPMENT.—The term “ground support equipment” means service and maintenance equipment used at an airport to support aeronautical operations and related activities.

(5) PASSENGER FACILITY CHARGE.—The term “passenger facility charge” means a charge imposed under this section.

(6) PASSENGER FACILITY REVENUE.—The term “passenger facility revenue” means revenue derived from a passenger facility charge.

(b) GENERAL AUTHORITY.—(1) The Secretary of Transportation may authorize under this section an eligible agency to impose a passenger facility charge of \$1, \$2, or \$3 on each paying passenger of an air carrier or foreign air carrier boarding an aircraft at an airport the agency controls to finance an eligible airport-related project, including making payments for debt service on indebtedness incurred to carry out the project, to be carried out in connection with the airport or any other airport the agency controls.

(2) A State, political subdivision of a State, or authority of a State or political subdivision that is not the eligible agency may not regulate or prohibit the imposition or collection of a passenger facility charge or the use of the passenger facility revenue.

(3) A passenger facility charge may be imposed on a passenger of an air carrier or foreign air carrier originating or connecting at the commercial service airport that the agency controls.

(4) In lieu of authorizing a charge under paragraph (1), the Secretary may authorize under this section an eligible agency to impose a passenger facility charge of \$4.00 or \$4.50 on each paying passenger of an air carrier or foreign air carrier boarding an aircraft at an airport the agency controls to finance an eligible airport-related project, including making payments for debt service on indebtedness incurred to carry out the project.

(5) MAXIMUM COST FOR CERTAIN LOW-EMISSION TECHNOLOGY PROJECTS.—The maximum cost that may be financed by imposition of a passenger facility charge under this section for a project described in subsection (a)(3)(G) with respect to a vehicle or ground support equipment may not exceed the incremental amount of the project cost that is greater than the cost of acquiring a vehicle or equipment that is not low-emission and would be used for the same purpose, or the cost of low-emission retrofitting, as determined by the Secretary.

(6) DEBT SERVICE FOR CERTAIN PROJECTS.—In addition to the uses specified in paragraphs (1) and (4), the Secretary may authorize a passenger facility charge imposed under paragraph (1) or (4) to be used for making payments for debt service on indebtedness incurred to carry out at the airport a project that is not an eligible airport-related project if the Secretary determines that such use is necessary due to the financial need of the airport.

(7) NOISE MITIGATION FOR CERTAIN SCHOOLS.—

(A) IN GENERAL.—In addition to the uses specified in paragraphs (1), (4), and (6), the Secretary may authorize a passenger facility charge imposed under paragraph (1) or (4) at a large hub airport that is the subject of an amended judgment and final order in condemnation filed on January 7, 1980, by the Superior Court of the State of California for the county of Los Angeles, to be used for a project to carry out noise mitigation for a building, or for the replacement of a relocatable building with a permanent building, in the noise impacted area surrounding the airport at which such building is used primarily for educational purposes, notwithstanding the air easement granted or any terms to the contrary in such judgment and final order, if—

- (i) the Secretary determines that the building is adversely affected by airport noise;
 - (ii) the building is owned or chartered by the school district that was the plaintiff in case number 986,442 or 986,446, which was resolved by such judgment and final order;
 - (iii) the project is for a school identified in 1 of the settlement agreements effective February 16, 2005, between the airport and each of the school districts;
 - (iv) in the case of a project to replace a relocatable building with a permanent building, the eligible project costs are limited to the actual structural construction costs necessary to mitigate aircraft noise in instructional classrooms to an interior noise level meeting current standards of the Federal Aviation Administration; and
 - (v) the project otherwise meets the requirements of this section for authorization of a passenger facility charge.
- (B) ELIGIBLE PROJECT COSTS.—In subparagraph (A)(iv), the term “eligible project costs” means the difference between the cost of standard school construction and the cost of construction necessary to mitigate classroom noise to the standards of the Federal Aviation Administration.
- (c) APPLICATIONS.—(1) An eligible agency must submit to the Secretary an application for authority to impose a passenger facility charge. The application shall contain information and be in the form that the Secretary may require by regulation.
- (2) Before submitting an application, the eligible agency must provide reasonable notice to, and an opportunity for consultation with, air carriers and foreign air carriers operating at the airport. The Secretary shall prescribe regulations that define reasonable notice and contain at least the following requirements:
- (A) The agency must provide written notice of individual projects being considered for financing by a passenger facility charge and the date and location of a meeting to present the projects to air carriers and foreign air carriers operating at the airport.
 - (B) Not later than 30 days after written notice is provided under subparagraph (A) of this paragraph, each air carrier and foreign air carrier operating at the airport must provide to the agency written notice of receipt of the notice. Failure of a carrier to provide the notice may be deemed certification of agreement with the project by the carrier under subparagraph (D) of this paragraph.
 - (C) Not later than 45 days after written notice is provided under subparagraph (A) of this paragraph, the agency must conduct a meeting to provide air carriers and foreign air carriers with descriptions of projects and justifications and a detailed financial plan for projects.
 - (D) Not later than 30 days after the meeting, each air carrier and foreign air carrier must provide to the agency certification of agreement or disagreement with projects (or total plan for the projects). Failure to provide the certification is deemed certification of agreement with the project by the carrier. A certification of disagreement is void if it does not contain the reasons for the disagreement.

(E) The agency must include in its application or notice submitted under subparagraph (A) copies of all certifications of agreement or disagreement received under subparagraph (D).

(F) For the purpose of this section, an eligible agency providing notice and an opportunity for consultation to an air carrier or foreign air carrier is deemed to have satisfied the requirements of this paragraph if the eligible agency limits such notices and consultations to air carriers and foreign air carriers that have a significant business interest at the airport. In the subparagraph, the term “significant business interest” means an air carrier or foreign air carrier that had no less than 1.0 percent of passenger boardings at the airport in the prior calendar year, had at least 25,000 passenger boardings at the airport in the prior calendar year, or provides scheduled service at the airport.

(3) Before submitting an application, the eligible agency must provide reasonable notice and an opportunity for public comment. The Secretary shall prescribe regulations that define reasonable notice and provide for at least the following under this paragraph:

(A) A requirement that the eligible agency provide public notice of intent to collect a passenger facility charge so as to inform those interested persons and agencies that may be affected. The public notice may include—

- (i) publication in local newspapers of general circulation;
- (ii) publication in other local media; and
- (iii) posting the notice on the agency’s Internet website.

(B) A requirement for submission of public comments no sooner than 30 days, and no later than 45 days, after the date of the publication of the notice.

(C) A requirement that the agency include in its application or notice submitted under subparagraph (A) copies of all comments received under subparagraph (B).

(4) After receiving an application, the Secretary may provide notice and an opportunity to air carriers, foreign air carriers, and other interested persons to comment on the application. The Secretary shall make a final decision on the application not later than 120 days after receiving it.

(d) LIMITATIONS ON APPROVING APPLICATIONS.—The Secretary may approve an application that an eligible agency has submitted under subsection (c) of this section to finance a specific project only if the Secretary finds, based on the application, that—

(1) the amount and duration of the proposed passenger facility charge will result in revenue (including interest and other returns on the revenue) that is not more than the amount necessary to finance the specific project;

[(2) each project is an eligible airport-related project that will—

[(A) preserve or enhance capacity, safety, or security of the national air transportation system;

[(B) reduce noise resulting from an airport that is part of the system; or

[(C) provide an opportunity for enhanced competition between or among air carriers and foreign air carriers;]

(2) each project is an eligible airport-related project;

(3) the application includes adequate justification for each of the specific projects; and

(4) in the case of an application to impose a charge of more than \$3.00 for an eligible surface transportation or terminal project, the agency has made adequate provision for financing the airside needs of the airport, including runways, taxiways, aprons, and aircraft gates.

(e) LIMITATIONS ON IMPOSING CHARGES.—(1) An eligible agency may impose a passenger facility charge only—

(A) if the Secretary approves an application that the agency has submitted under subsection (c) of this section; and

(B) subject to terms the Secretary may prescribe to carry out the objectives of this section.

(2) A passenger facility charge may not be collected from a passenger—

(A) for more than 2 boardings on a one-way trip or a trip in each direction of a round trip;

(B) for the boarding to an eligible place under subchapter II of chapter 417 of this title for which essential air service compensation is paid under subchapter II;

(C) enplaning at an airport if the passenger did not pay for the air transportation which resulted in such enplanement, including any case in which the passenger obtained the ticket for the air transportation with a frequent flier award coupon without monetary payment;

(D) on flights, including flight segments, between 2 or more points in Hawaii;

(E) in Alaska aboard an aircraft having a seating capacity of less than 60 passengers; and

(F) enplaning at an airport if the passenger did not pay for the air transportation which resulted in such enplanement due to charter arrangements and payment by the Department of Defense.

(f) LIMITATIONS ON CONTRACTS, LEASES, AND USE AGREEMENTS.—

(1) A contract between an air carrier or foreign air carrier and an eligible agency made at any time may not impair the authority of the agency to impose a passenger facility charge or to use the passenger facility revenue as provided in this section.

(2) A project financed with a passenger facility charge may not be subject to an exclusive long-term lease or use agreement of an air carrier or foreign air carrier, as defined by regulations of the Secretary.

(3) A lease or use agreement of an air carrier or foreign air carrier related to a project whose construction or expansion was financed with a passenger facility charge may not restrict the eligible agency from financing, developing, or assigning new capacity at the airport with passenger facility revenue.

(g) TREATMENT OF REVENUE.—(1) Passenger facility revenue is not airport revenue for purposes of establishing a price under a contract between an eligible agency and an air carrier or foreign air carrier.

(2) An eligible agency may not include in its price base the part of the capital costs of a project paid for by using passenger facility revenue to establish a price under a contract between the agency and an air carrier or foreign air carrier.

(3) For a project for terminal development, gates and related areas, or a facility occupied or used by at least one air carrier or foreign air carrier on an exclusive or preferential basis, a price payable by an air carrier or foreign air carrier using the facilities must at least equal the price paid by an air carrier or foreign air carrier using a similar facility at the airport that was not financed with passenger facility revenue.

(4) Passenger facility revenues that are held by an air carrier or an agent of the carrier after collection of a passenger facility charge constitute a trust fund that is held by the air carrier or agent for the beneficial interest of the eligible agency imposing the charge. Such carrier or agent holds neither legal nor equitable interest in the passenger facility revenues except for any handling fee or retention of interest collected on unremitted proceeds as may be allowed by the Secretary.

(h) COMPLIANCE.—(1) As necessary to ensure compliance with this section, the Secretary shall prescribe regulations requiring recordkeeping and auditing of accounts maintained by an air carrier or foreign air carrier and its agent collecting a passenger facility charge and by the eligible agency imposing the charge.

(2) The Secretary periodically shall audit and review the use by an eligible agency of passenger facility revenue. After review and a public hearing, the Secretary may end any part of the authority of the agency to impose a passenger facility charge to the extent the Secretary decides that the revenue is not being used as provided in this section.

(3) The Secretary may set off amounts necessary to ensure compliance with this section against amounts otherwise payable to an eligible agency under subchapter I of chapter 471 of this title if the Secretary decides a passenger facility charge is excessive or that passenger facility revenue is not being used as provided in this section.

(i) REGULATIONS.—The Secretary shall prescribe regulations necessary to carry out this section. The regulations—

(1) may prescribe the time and form by which a passenger facility charge takes effect;

(2) shall—

(A) require an air carrier or foreign air carrier and its agent to collect a passenger facility charge that an eligible agency imposes under this section;

(B) establish procedures for handling and remitting money collected;

(C) ensure that the money, less a uniform amount the Secretary determines reflects the average necessary and reasonable expenses (net of interest accruing to the carrier and agent after collection and before remittance) incurred in collecting and handling the charge, is paid promptly to the eligible agency for which they are collected; and

(D) require that the amount collected for any air transportation be noted on the ticket for that air transportation; and

(3) may permit an eligible agency to request that collection of a passenger facility charge be waived for—

(A) passengers enplaned by any class of air carrier or foreign air carrier if the number of passengers enplaned by

the carriers in the class constitutes not more than one percent of the total number of passengers enplaned annually at the airport at which the charge is imposed; or

(B) passengers enplaned on a flight to an airport—

(i) that has fewer than 2,500 passenger boardings each year and receives scheduled passenger service; or

(ii) in a community which has a population of less than 10,000 and is not connected by a land highway or vehicular way to the land-connected National Highway System within a State.

(j) LIMITATION ON CERTAIN ACTIONS.—A State, political subdivision of a State, or authority of a State or political subdivision that is not the eligible agency may not tax, regulate, or prohibit or otherwise attempt to control in any manner, the imposition or collection of a passenger facility charge or the use of the revenue from the passenger facility charge.

(k) COMPETITION PLANS.—

(1) IN GENERAL.—Beginning in fiscal year 2001, no eligible agency may impose a passenger facility charge under this section with respect to a covered airport (as such term is defined in section 47106(f)) unless the agency has submitted to the Secretary a written competition plan in accordance with such section. This subsection does not apply to passenger facility charges in effect before the date of the enactment of this subsection.

(2) SECRETARY SHALL ENSURE IMPLEMENTATION AND COMPLIANCE.—The Secretary shall review any plan submitted under paragraph (1) to ensure that it meets the requirements of this section, and shall review its implementation from time-to-time to ensure that each covered airport successfully implements its plan.

(1) **PILOT PROGRAM** ALTERNATIVE PROCEDURES FOR PASSENGER FACILITY CHARGE AUTHORIZATIONS.—

[(1) IN GENERAL.—The Secretary shall establish a pilot program to test alternative procedures for authorizing eligible agencies for airports to impose passenger facility charges. An eligible agency may impose in accordance with the provisions of this subsection a passenger facility charge under this section. For purposes of the pilot program, the procedures in this subsection shall apply instead of the procedures otherwise provided in this section.]

(1) IN GENERAL.—*In lieu of submitting an application under subsection (c), an eligible agency may impose a passenger facility charge in accordance with the procedures under this subsection subject to the limitations of this section.*

(2) NOTICE AND OPPORTUNITY FOR CONSULTATION.—The eligible agency must provide reasonable notice and an opportunity for consultation to air carriers and foreign air carriers in accordance with subsection (c)(2) and must provide reasonable notice and opportunity for public comment in accordance with subsection (c)(3).

(3) NOTICE OF INTENTION.—The eligible agency must submit to the Secretary a notice of intention to impose a passenger facility charge under this subsection. The notice shall include—

(A) information that the Secretary may require by regulation on each project for which authority to impose a passenger facility charge is sought;

(B) the amount of revenue from passenger facility charges that is proposed to be collected for each project; and

(C) the level of the passenger facility charge that is proposed.

(4) ACKNOWLEDGEMENT OF RECEIPT AND INDICATION OF OBJECTION.—The Secretary shall acknowledge receipt of the notice and indicate any objection to the imposition of a passenger facility charge under this subsection for any project identified in the notice within 30 days after receipt of the eligible agency's notice.

(5) AUTHORITY TO IMPOSE CHARGE.—Unless the Secretary objects within 30 days after receipt of the eligible agency's notice, the eligible agency is authorized to impose a passenger facility charge in accordance with the terms of its notice under this subsection.

(6) REGULATIONS.—The Secretary shall propose such regulations as may be necessary to carry out this subsection.

(7) ACKNOWLEDGEMENT NOT AN ORDER.—An acknowledgement issued under paragraph (4) shall not be considered an order issued by the Secretary for purposes of section 46110.

(m) FINANCIAL MANAGEMENT OF CHARGES.—

(1) HANDLING OF CHARGES.—A covered air carrier shall segregate in a separate account passenger facility revenue equal to the average monthly liability for charges collected under this section by such carrier or any of its agents for the benefit of the eligible agencies entitled to such revenue.

(2) TRUST FUND STATUS.—If a covered air carrier or its agent fails to segregate passenger facility revenue in violation of the subsection, the trust fund status of such revenue shall not be defeated by an inability of any party to identify and trace the precise funds in the accounts of the air carrier.

(3) PROHIBITION.—A covered air carrier and its agents may not grant to any third party any security or other interest in passenger facility revenue.

(4) COMPENSATION TO ELIGIBLE ENTITIES.—A covered air carrier that fails to comply with any requirement of this subsection, or otherwise unnecessarily causes an eligible entity to expend funds, through litigation or otherwise, to recover or retain payment of passenger facility revenue to which the eligible entity is otherwise entitled shall be required to compensate the eligible agency for the costs so incurred.

(5) INTEREST ON AMOUNTS.—A covered air carrier that collects passenger facility charges is entitled to receive the interest on passenger facility charge accounts if the accounts are established and maintained in compliance with this subsection.

(6) EXISTING REGULATIONS.—The provisions of section 158.49 of title 14, Code of Federal Regulations, that permit the commingling of passenger facility charges with other air carrier revenue shall not apply to a covered air carrier.

(7) COVERED AIR CARRIER DEFINED.—In this section, the term “covered air carrier” means an air carrier that files for chapter

7 or chapter 11 of title 11 bankruptcy protection, or has an involuntary chapter 7 of title 11 bankruptcy proceeding commenced against it, after the date of enactment of this subsection.

(n) **USE OF REVENUES AT PREVIOUSLY ASSOCIATED AIRPORT.**—Notwithstanding the requirements relating to airport control under subsection (b)(1), the Secretary may authorize use of a passenger facility charge under subsection (b) to finance an eligible airport-related project if—

(1) the eligible agency seeking to impose the new charge controls an airport where a \$2.00 passenger facility charge became effective on January 1, 2013; and

(2) the location of the project to be financed by the new charge is at an airport that was under the control of the same eligible agency that had controlled the airport described in paragraph (1).

§ 40118. Government-financed air transportation

(a) **TRANSPORTATION BY AIR CARRIERS HOLDING CERTIFICATES.**—A department, agency, or instrumentality of the United States Government shall take necessary steps to ensure that the transportation of passengers and property by air is provided by an air carrier holding a certificate under section 41102 of this title if—

(1) the department, agency, or instrumentality—

(A) obtains the transportation for itself or in carrying out an arrangement under which payment is made by the Government or payment is made from amounts provided for the use of the Government; or

(B) provides the transportation to or for a foreign country or international or other organization without reimbursement;

(2) the transportation is authorized by the certificate or by regulation or exemption of the Secretary of Transportation; and

(3) the air carrier is—

(A) available, if the transportation is between a place in the United States and a place outside the United States; or

(B) reasonably available, if the transportation is between 2 places outside the United States.

(b) **TRANSPORTATION BY FOREIGN AIR CARRIERS.**—This section does not preclude the transportation of passengers and property by a foreign air carrier if the transportation is provided under a bilateral or multilateral air transportation agreement to which the Government and the government of a foreign country are parties if the agreement—

(1) is consistent with the goals for international aviation policy of section 40101(e) of this title; and

(2) provides for the exchange of rights or benefits of similar magnitude.

(c) **PROOF.**—The Administrator of General Services shall prescribe regulations under which agencies may allow the expenditure of an appropriation for transportation in violation of this section only when satisfactory proof is presented showing the necessity for the transportation.

(d) CERTAIN TRANSPORTATION BY AIR OUTSIDE THE UNITED STATES.—Notwithstanding subsections (a) and (c) of this section, any amount appropriated to the Secretary of State or the Administrator of the Agency for International Development may be used to pay for the transportation of an officer or employee of the Department of State or one of those agencies, a dependent of the officer or employee, and accompanying baggage, by a foreign air carrier when the transportation is between 2 places outside the United States.

(e) RELATIONSHIP TO OTHER LAWS.—This section does not affect the application of the antidiscrimination provisions of this part.

(f) PROHIBITION OF CERTIFICATION OR CONTRACT CLAUSE.—(1) No certification by a contractor, and no contract clause, may be required in the case of a contract for the transportation of commercial products in order to implement a requirement in this section.

(2) In paragraph (1), the term “commercial product” has the meaning given such term in section 103 of title 41, except that it shall not include a contract for the transportation by air of passengers.

(g) TRAINING REQUIREMENTS.—The Administrator of General Services shall ensure that any contract entered into for provision of air transportation with a domestic carrier under this section requires that the contracting air carrier submits to the Administrator of General Services, the Secretary of Transportation, the Administrator of the Transportation Security Administration, the Secretary of Labor and the Commissioner of U.S. Customs and Border Protection an annual report regarding—

(1) the number of personnel trained in the [detection and reporting of potential human trafficking (as described in paragraphs (9) and (10)] *detection and reporting of potential severe forms of trafficking in persons and sex trafficking (as such terms are defined in paragraphs (11) and (12) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)), including the training required under section 44734(a)(4);*

(2) the number of notifications of potential human trafficking victims received from staff or other passengers; and

(3) whether the air carrier notified the National Human Trafficking Hotline or law enforcement at the relevant airport of the potential human trafficking victim for each such notification of potential human trafficking, and if so, when the notification was made.

§ 40119. Sensitive security information

(a) IN GENERAL.—Notwithstanding section 552 of title 5, the Secretary of Transportation shall issue regulations prohibiting the disclosure of information obtained or developed in the process of ensuring security under this title if the Secretary determines that disclosing the information would—

(1) be an unwarranted invasion of personal privacy;

(2) reveal a trade secret or privileged or confidential commercial or financial information; or

(3) be detrimental to transportation safety.

(b) WITHHELD INFORMATION.—In carrying out subsection (a), the Secretary shall ensure that the prohibitions described in such sub-

section do not apply to any information provided to a committee of Congress authorized to have such information, including the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(c) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to authorize the designation of information as sensitive security information (as defined in section 15.5 of title 49, Code of Federal Regulations) to—

(1) conceal—

(A) a violation of law;

(B) inefficiency; or

(C) an administrative error;

(2) prevent embarrassment to a person, organization, or governmental agency;

(3) restrain competition; or

(4) prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.

(d) NONDISCLOSURE.—Section 552a of title 5 shall not apply to disclosures that the Administrator of the Federal Aviation Administration may make from the systems of records of the Administration to any Federal law enforcement, intelligence, protective service, immigration, or national security official in order to assist the official receiving the information in the performance of official duties.

* * * * *

§ 40122. Federal Aviation Administration personnel management system

(a) IN GENERAL.—

(1) CONSULTATION AND NEGOTIATION.—In developing and making changes to the personnel management system initially implemented by the Administrator of the Federal Aviation Administration on April 1, 1996, the Administrator shall negotiate with the exclusive bargaining representatives of employees of the Administration certified under section 7111 of title 5 and consult with other employees of the Administration.

(2) DISPUTE RESOLUTION.—

(A) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) or the provisions referred to in subsection (g)(2)(C) with the exclusive bargaining representative of the employees, the Administrator and the bargaining representative—

(i) shall use the services of the Federal Mediation and Conciliation Service to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations (as in effect on the date of enactment of the FAA Modernization and Reform Act of 2012); or

(ii) may by mutual agreement adopt alternative procedures for the resolution of disputes or impasses arising in the negotiation of the collective-bargaining agreement.

(B) MID-TERM BARGAINING.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A)(i) do not lead to the resolution of issues in controversy arising from the negotiation of a mid-term collective-bargaining agreement, the Federal Service Impasses Panel shall assist the parties in resolving the impasse in accordance with section 7119 of title 5.

(C) BINDING ARBITRATION FOR TERM BARGAINING.—

(i) ASSISTANCE FROM FEDERAL SERVICE IMPASSES PANEL.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A)(i) do not lead to the resolution of issues in controversy arising from the negotiation of a term collective-bargaining agreement, the Administrator and the exclusive bargaining representative of the employees (in this subparagraph referred to as the “parties”) shall submit their issues in controversy to the Federal Service Impasses Panel. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members.

(ii) APPOINTMENT OF ARBITRATION BOARD.—The Executive Director of the Panel shall provide for the appointment of the 3 members of a private arbitration board under clause (i) by requesting the Director of the Federal Mediation and Conciliation Service to prepare a list of not less than 15 names of arbitrators with Federal sector experience and by providing the list to the parties. Not later than 10 days after receiving the list, the parties shall each select one person from the list. The 2 arbitrators selected by the parties shall then select a third person from the list not later than 7 days after being selected. If either of the parties fails to select a person or if the 2 arbitrators are unable to agree on the third person in 7 days, the parties shall make the selection by alternately striking names on the list until one arbitrator remains.

(iii) FRAMING ISSUES IN CONTROVERSY.—If the parties do not agree on the framing of the issues to be submitted for arbitration, the arbitration board shall frame the issues.

(iv) HEARINGS.—The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims and an opportunity to present their case in person, by counsel, or by other representative as they may elect.

(v) DECISIONS.—The arbitration board shall render its decision within 90 days after the date of its appointment. Decisions of the arbitration board shall be conclusive and binding upon the parties.

(vi) MATTERS FOR CONSIDERATION.—The arbitration board shall take into consideration such factors as—

(I) the effect of its arbitration decisions on the Federal Aviation Administration’s ability to attract and retain a qualified workforce;

(II) the effect of its arbitration decisions on the Federal Aviation Administration's budget; and

(III) any other factors whose consideration would assist the board in fashioning a fair and equitable award.

(vii) COSTS.—The parties shall share costs of the arbitration equally.

(3) RATIFICATION OF AGREEMENTS.—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under paragraph (2)(C), the final agreement, except for those matters decided by an arbitration board, shall be subject to ratification by the exclusive bargaining representative of the employees, if so requested by the bargaining representative, and the final agreement shall be subject to approval by the head of the agency in accordance with the provisions referred to in subsection (g)(2)(C).

(4) COST SAVINGS AND PRODUCTIVITY GOALS.—The Administration and the exclusive bargaining representatives of the employees shall use every reasonable effort to find cost savings and to increase productivity within each of the affected bargaining units.

(5) ANNUAL BUDGET DISCUSSIONS.—The Administration and the exclusive bargaining representatives of the employees shall meet annually for the purpose of finding additional cost savings within the Administration's annual budget as it applies to each of the affected bargaining units and throughout the agency.

(b) EXPERT EVALUATION.—On the date that is 3 years after the personnel management system is implemented, the Administration shall employ outside experts to provide an independent evaluation of the effectiveness of the system within 3 months after such date. For this purpose, the Administrator may utilize the services of experts and consultants under section 3109 of title 5 without regard to the limitation imposed by the last sentence of section 3109(b) of such title, and may contract on a sole source basis, notwithstanding any other provision of law to the contrary.

(c) PAY RESTRICTION.—No officer or employee of the Administration may receive an annual rate of basic pay in excess of the annual rate of basic pay payable to the Administrator.

(d) ETHICS.—The Administration shall be subject to Executive Order No. 12674 and regulations and opinions promulgated by the Office of Government Ethics, including those set forth in section 2635 of title 5 of the Code of Federal Regulations.

(e) EMPLOYEE PROTECTIONS.—Until July 1, 1999, basic wages (including locality pay) and operational differential pay provided employees of the Administration shall not be involuntarily adversely affected by reason of the enactment of this section, except for unacceptable performance or by reason of a reduction in force or reorganization or by agreement between the Administration and the affected employees' exclusive bargaining representative.

(f) LABOR-MANAGEMENT AGREEMENTS.—Except as otherwise provided by this title, all labor-management agreements covering employees of the Administration that are in effect on the effective date of the Air Traffic Management System Performance Improvement Act of 1996 shall remain in effect until their normal expiration

date, unless the Administrator and the exclusive bargaining representative agree to the contrary.

(g) PERSONNEL MANAGEMENT SYSTEM.—

(1) IN GENERAL.—In consultation with the employees of the Administration and such non-governmental experts in personnel management systems as he may employ, and notwithstanding the provisions of title 5 and other Federal personnel laws, the Administrator shall develop and implement, not later than January 1, 1996, a personnel management system for the Administration that addresses the unique demands on the agency's workforce. Such a new system shall, at a minimum, provide for greater flexibility in the hiring, training, compensation, and location of personnel.

(2) APPLICABILITY OF TITLE 5.—The provisions of title 5 shall not apply to the new personnel management system developed and implemented pursuant to paragraph (1), with the exception of—

(A) section 2302(b), relating to whistleblower protection, including the provisions for investigation and enforcement as provided in chapter 12 of title 5;

(B) sections 3304(f), to the extent consistent with the Federal Aviation Administration's status as an excepted service agency, 3308–3320, 3330a, 3330b, 3330c, and 3330d, relating to veterans' preference;

(C) chapter 71, relating to labor-management relations;

(D) section 7204, relating to antidiscrimination;

(E) chapter 73, relating to suitability, security, and conduct;

(F) chapter 81, relating to compensation for work injury;

(G) chapters 83–85, 87, and 89, relating to retirement, unemployment compensation, and insurance coverage;

(H) sections 1204, 1211–1218, 1221, and 7701–7703, relating to the Merit Systems Protection Board;

(I) subsections (b), (c), and (d) of section 4507 (relating to Meritorious Executive or Distinguished Executive rank awards) and subsections (b) and (c) of section 4507a (relating to Meritorious Senior Professional or Distinguished Senior Professional rank awards), except that—

(i) for purposes of applying such provisions to the personnel management system—

(I) the term “agency” means the Department of Transportation;

(II) the term “senior executive” means a Federal Aviation Administration executive;

(III) the term “career appointee” means a Federal Aviation Administration career executive; and

(IV) the term “senior career employee” means a Federal Aviation Administration career senior professional;

(ii) receipt by a career appointee or a senior career employee of the rank of Meritorious Executive or Meritorious Senior Professional entitles the individual to a lump-sum payment of an amount equal to 20 percent of annual basic pay, which shall be in addition to the

basic pay paid under the Federal Aviation Administration Executive Compensation Plan; and

(iii) receipt by a career appointee or a senior career employee of the rank of Distinguished Executive or Distinguished Senior Professional entitles the individual to a lump-sum payment of an amount equal to 35 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan; and

(J) subject to paragraph (4) of this subsection, section 6329, relating to disabled veteran leave.

(3) APPEALS TO MERIT SYSTEMS PROTECTION BOARD.—Under the new personnel management system developed and implemented under paragraph (1), an employee of the Administration may submit an appeal to the Merit Systems Protection Board and may seek judicial review of any resulting final orders or decisions of the Board from any action that was appealable to the Board under any law, rule, or regulation as of March 31, 1996. Notwithstanding any other provision of law, retroactive to April 1, 1996, the Board shall have the same remedial authority over such employee appeals that it had as of March 31, 1996.

(4) CERTIFICATION OF DISABLED VETERAN LEAVE.—In order to verify that leave credited to an employee pursuant to paragraph (2)(J) is used for treating a service-connected disability, that employee shall, notwithstanding section 6329(c) of title 5, submit to the Assistant Administrator for Human Resource Management of the Federal Aviation Administration certification, in such form and manner as the Administrator of the Federal Aviation Administration may prescribe, that the employee used that leave for purposes of being furnished treatment for that disability by a health care provider.

(5) PAID PARENTAL LEAVE.—The Administrator shall implement a paid parental leave benefit for employees of the Administration that is, at a minimum, consistent with the paid parental leave benefits provided under section 6382 of title 5.

(6) EFFECTIVE DATE.—This subsection shall take effect on April 1, 1996.

(7) REMOTE POSITIONS.—

(A) *IN GENERAL.*—*If the Administrator determines that a covered position has not been filled after multiple vacancy announcements and that there are unique circumstances affecting the ability of the Administrator to fill such position, the Administrator may consider, in consultation with the appropriate labor union, applicants for the covered position who apply under a vacancy announcement recruiting from the State or territory in which the position is based.*

(B) *COVERED POSITION DEFINED.*—*In this paragraph, the term “covered position” means a safety-critical position based in Alaska, Hawaii, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands.*

(h) RIGHT TO CONTEST ADVERSE PERSONNEL ACTIONS.—An employee of the Federal Aviation Administration who is the subject of a major adverse personnel action may contest the action either

through any contractual grievance procedure that is applicable to the employee as a member of the collective bargaining unit or through the Administration's internal process relating to review of major adverse personnel actions of the Administration, known as Guaranteed Fair Treatment, or under section 40122(g)(3).

(i) ELECTION OF FORUM.—Where a major adverse personnel action may be contested through more than one of the indicated forums (such as the contractual grievance procedure, the Federal Aviation Administration's internal process, or that of the Merit Systems Protection Board), an employee must elect the forum through which the matter will be contested. Nothing in this section is intended to allow an employee to contest an action through more than one forum unless otherwise allowed by law.

(j) DEFINITION.—In this section, the term “major adverse personnel action” means a suspension of more than 14 days, a reduction in pay or grade, a removal for conduct or performance, a non-disciplinary removal, a furlough of 30 days or less (but not including placement in a nonpay status as the result of a lapse of appropriations or an enactment by Congress), or a reduction in force action.

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§ 40125. Qualifications for public aircraft status

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) COMMERCIAL PURPOSES.—The term “commercial purposes” means the transportation of persons or property for compensation or hire, but does not include the operation of an aircraft by the armed forces for reimbursement when that reimbursement is required by any Federal statute, regulation, or directive, in effect on November 1, 1999, or by one government on behalf of another government under a cost reimbursement agreement if the government on whose behalf the operation is conducted certifies to the Administrator of the Federal Aviation Administration that the operation is necessary to respond to a significant and imminent threat to life or property (including natural resources) and that no service by a private operator is reasonably available to meet the threat.

(2) GOVERNMENTAL FUNCTION.—The term “governmental function” means an activity undertaken by a government, such as national defense, intelligence missions, firefighting, search and rescue, law enforcement (including transport of prisoners, detainees, and illegal aliens), aeronautical research, [or] biological or geological resource management (*including data collection on civil aviation systems undergoing research, development, test, or evaluation at a test range (as such term is defined in section 44801)*), infrastructure inspections, or any other activity undertaken by a governmental entity that the Administrator determines is inherently governmental.

(3) QUALIFIED NON-CREWMEMBER.—The term “qualified non-crewmember” means an individual, other than a member of the crew, aboard an aircraft—

(A) operated by the armed forces or an intelligence agency of the United States Government; or

(B) whose presence is required to perform, or is associated with the performance of, a governmental function.

- (4) **ARMED FORCES.**—The term “armed forces” has the meaning given such term by section 101 of title 10.
- (b) **AIRCRAFT OWNED BY GOVERNMENTS.**—An aircraft described in subparagraph (A), (B), (C), (D), or (F) of section 40102(a)(41) does not qualify as a public aircraft under such section when the aircraft is used for commercial purposes or to carry an individual other than a crewmember or a qualified non-crewmember.
- (c) **AIRCRAFT OWNED OR OPERATED BY THE ARMED FORCES.**—
- (1) **IN GENERAL.**—Subject to paragraph (2), an aircraft described in section 40102(a)(41)(E) qualifies as a public aircraft if—
- (A) the aircraft is operated in accordance with title 10;
 - (B) the aircraft is operated in the performance of a governmental function under title 14, 31, 32, or 50 and the aircraft is not used for commercial purposes; or
 - (C) the aircraft is chartered to provide transportation or other commercial air service to the armed forces and the Secretary of Defense (or the Secretary of the department in which the Coast Guard is operating) designates the operation of the aircraft as being required in the national interest.
- (2) **LIMITATION.**—An aircraft that meets the criteria set forth in paragraph (1) and that is owned or operated by the National Guard of a State, the District of Columbia, or any territory or possession of the United States, qualifies as a public aircraft only to the extent that it is operated under the direct control of the Department of Defense.
- (d) **SEARCH AND RESCUE PURPOSES.**—An aircraft described in section 40102(a)(41)(D) that is not exclusively leased for at least 90 continuous days by the government of a State, the District of Columbia, or a territory or possession of the United States or a political subdivision of 1 of those governments, qualifies as a public aircraft if the Administrator determines that—
- (1) there are extraordinary circumstances;
 - (2) the aircraft will be used for the performance of search and rescue missions;
 - (3) a community would not otherwise have access to search and rescue services; and
 - (4) a government entity demonstrates that granting the waiver is necessary to prevent an undue economic burden on that government.

* * * * *

§ 40128. Overflights of national parks

- (a) **IN GENERAL.**—
- (1) **GENERAL REQUIREMENTS.**—A commercial air tour operator may not conduct commercial air tour operations over a national park or tribal lands, as defined by this section, except—
- (A) in accordance with this section;
 - (B) in accordance with conditions and limitations prescribed for that operator by the Administrator; and
 - (C) in accordance with any applicable air tour management plan or voluntary agreement under subsection (b)(7) for the park or tribal lands.
- (2) **APPLICATION FOR OPERATING AUTHORITY.**—

(A) APPLICATION REQUIRED.—Before commencing commercial air tour operations over a national park or tribal lands, a commercial air tour operator shall apply to the Administrator for authority to conduct the operations over the park or tribal lands.

(B) COMPETITIVE BIDDING FOR LIMITED CAPACITY PARKS.—Whenever an air tour management plan limits the number of commercial air tour operations over a national park during a specified time frame, the Administrator, in cooperation with the Director, shall issue operation specifications to commercial air tour operators that conduct such operations. The operation specifications shall include such terms and conditions as the Administrator and the Director find necessary for management of commercial air tour operations over the park. The Administrator, in cooperation with the Director, shall develop an open competitive process for evaluating proposals from persons interested in providing commercial air tour operations over the park. In making a selection from among various proposals submitted, the Administrator, in cooperation with the Director, shall consider relevant factors, including—

(i) the safety record of the person submitting the proposal or pilots employed by the person;

(ii) any quiet aircraft technology proposed to be used by the person submitting the proposal;

(iii) the experience of the person submitting the proposal with commercial air tour operations over other national parks or scenic areas;

(iv) the financial capability of the person submitting the proposal;

(v) any training programs for pilots provided by the person submitting the proposal; and

(vi) responsiveness of the person submitting the proposal to any relevant criteria developed by the National Park Service for the affected park.

(C) NUMBER OF OPERATIONS AUTHORIZED.—In determining the number of authorizations to issue to provide commercial air tour operations over a national park, the Administrator, in cooperation with the Director, shall take into consideration the provisions of the air tour management plan, the number of existing commercial air tour operators and current level of service and equipment provided by any such operators, and the financial viability of each commercial air tour operation.

(D) COOPERATION WITH NPS.—Before granting an application under this paragraph, the Administrator, in cooperation with the Director, shall develop an air tour management plan in accordance with subsection (b) and implement such plan.

(E) TIME LIMIT ON RESPONSE TO ATMP APPLICATIONS.—The Administrator shall make every effort to act on any application under this paragraph and issue a decision on the application not later than 24 months after it is received or amended.

(F) PRIORITY.—In acting on applications under this paragraph to provide commercial air tour operations over a national park, the Administrator shall give priority to an application under this paragraph in any case in which a new entrant commercial air tour operator is seeking operating authority with respect to that national park.

(3) EXCEPTION.—Notwithstanding paragraph (1), commercial air tour operators may conduct commercial air tour operations over a national park under part 91 of title 14, Code of Federal Regulations if—

(A) such activity is permitted under part 119 of such title;

(B) the operator secures a letter of agreement from the Administrator and the national park superintendent for that national park describing the conditions under which the operations will be conducted; and

(C) the total number of operations under this exception is limited to not more than five flights in any 30-day period over a particular park.

(4) SPECIAL RULE FOR SAFETY REQUIREMENTS.—Notwithstanding subsection (c), an existing commercial air tour operator shall apply, not later than 90 days after the date of the enactment of this section, for operating authority under part 119, 121, or 135 of title 14, Code of Federal Regulations. A new entrant commercial air tour operator shall apply for such authority before conducting commercial air tour operations over a national park or tribal lands. The Administrator shall make every effort to act on any such application for a new entrant and issue a decision on the application not later than 24 months after it is received or amended.

(5) EXEMPTION FOR NATIONAL PARKS WITH 50 OR FEWER FLIGHTS EACH YEAR.—

(A) IN GENERAL.—Notwithstanding paragraph (1), a national park that has 50 or fewer commercial air tour operations over the park each year shall be exempt from the requirements of this section, except as provided in subparagraph (B).

(B) WITHDRAWAL OF EXEMPTION.—If the Director determines that an air tour management plan or voluntary agreement is necessary to protect park resources and values or park visitor use and enjoyment, the Director shall withdraw the exemption of a park under subparagraph (A).

(C) LIST OF PARKS.—

(i) IN GENERAL.—The Director and Administrator shall jointly publish a list each year of national parks that are covered by the exemption provided under this paragraph.

(ii) NOTIFICATION OF WITHDRAWAL OF EXEMPTION.—The Director shall inform the Administrator, in writing, of each determination to withdraw an exemption under subparagraph (B).

(D) ANNUAL REPORT.—A commercial air tour operator conducting commercial air tour operations over a national park that is exempt from the requirements of this section

shall submit to the Administrator and the Director a report each year that includes the number of commercial air tour operations the operator conducted during the preceding 1-year period over such park.

(b) AIR TOUR MANAGEMENT PLANS.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Administrator, in cooperation with the Director, shall establish an air tour management plan for any national park or tribal land for which such a plan is not in effect whenever a person applies for authority to conduct a commercial air tour operation over the park. The air tour management plan shall be developed by means of a public process in accordance with paragraph (4).

(B) OBJECTIVE.—The objective of any air tour management plan shall be to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural and cultural resources, visitor experiences, and tribal lands.

(C) EXCEPTION.—An application to begin or expand commercial air tour operations at Crater Lake National Park or Great Smoky Mountains National Park may be denied without the establishment of an air tour management plan by the Director of the National Park Service if the Director determines that such operations would adversely affect park resources or visitor experiences.

(2) ENVIRONMENTAL DETERMINATION.—In establishing an air tour management plan under this subsection, the Administrator and the Director shall each sign the environmental decision document required by section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) which may include a finding of no significant impact, an environmental assessment, or an environmental impact statement and the record of decision for the air tour management plan.

(3) CONTENTS.—An air tour management plan for a national park—

(A) may prohibit commercial air tour operations over a national park in whole or in part;

(B) may establish conditions for the conduct of commercial air tour operations over a national park, including commercial air tour routes, maximum or minimum altitudes, time-of-day restrictions, restrictions for particular events, maximum number of flights per unit of time, intrusions on privacy on tribal lands, and mitigation of noise, visual, or other impacts;

(C) shall apply to all commercial air tour operations over a national park that are also within 1/2 mile outside the boundary of a national park;

(D) shall include incentives (such as preferred commercial air tour routes and altitudes, relief from caps and curfews) for the adoption of quiet aircraft technology by commercial air tour operators conducting commercial air tour operations over a national park;

(E) shall provide for the initial allocation of opportunities to conduct commercial air tour operations over a national park if the plan includes a limitation on the number of commercial air tour operations for any time period; and

(F) shall justify and document the need for measures taken pursuant to subparagraphs (A) through (E) and include such justifications in the record of decision.

(4) PROCEDURE.—In establishing an air tour management plan for a national park or tribal lands, the Administrator and the Director shall—

(A) hold at least one public meeting with interested parties to develop the air tour management plan;

(B) publish the proposed plan in the Federal Register for notice and comment and make copies of the proposed plan available to the public;

(C) comply with the regulations set forth in sections 1501.3 and 1501.5 through 1501.8 of title 40, Code of Federal Regulations (for purposes of complying with the regulations, the Federal Aviation Administration shall be the lead agency and the National Park Service is a cooperating agency); **[and]**

(D) solicit the participation of any Indian tribe whose tribal lands are, or may be, overflowed by aircraft involved in a commercial air tour operation over the park or tribal lands to which the plan applies, as a cooperating agency under the regulations referred to in subparagraph (C)**[.]**; *and*

(E) consult with the advisory group established under section 805 of the National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note) and consider all advice, information, and recommendations provided by the advisory group to the Administrator and the Director.

(5) JUDICIAL REVIEW.—An air tour management plan developed under this subsection shall be subject to judicial review.

(6) AMENDMENTS.—The Administrator, in cooperation with the Director, may make amendments to an air tour management plan. Any such amendments shall be published in the Federal Register for notice and comment. A request for amendment of an air tour management plan shall be made in such form and manner as the Administrator may prescribe.

(7) VOLUNTARY AGREEMENTS.—

(A) IN GENERAL.—As an alternative to an air tour management plan, the Director and the Administrator may enter into a voluntary agreement with a commercial air tour operator (including a new entrant commercial air tour operator and an operator that has interim operating authority) that has applied to conduct commercial air tour operations over a national park to manage commercial air tour operations over such national park.

(B) PARK PROTECTION.—A voluntary agreement under this paragraph with respect to commercial air tour operations over a national park shall address the management issues necessary to protect the resources of such park and visitor use of such park without compromising aviation safety or the air traffic control system and may—

- (i) include provisions such as those described in subparagraphs (B) through (E) of paragraph (3);
- (ii) include provisions to ensure the stability of, and compliance with, the voluntary agreement; and
- (iii) provide for fees for such operations.

(C) PUBLIC REVIEW.—The Director and the Administrator shall provide an opportunity for public review of a proposed voluntary agreement under this paragraph and shall consult with any Indian tribe whose tribal lands are, or may be, flown over by a commercial air tour operator under a voluntary agreement under this paragraph. After such opportunity for public review and consultation, the voluntary agreement may be implemented without further administrative or environmental process beyond that described in this subsection.

(D) TERMINATION.—

(i) IN GENERAL.—A voluntary agreement under this paragraph may be terminated at any time at the discretion of—

(I) the Director, if the Director determines that the agreement is not adequately protecting park resources or visitor experiences; or

(II) the Administrator, if the Administrator determines that the agreement is adversely affecting aviation safety or the national aviation system.

(ii) EFFECT OF TERMINATION.—If a voluntary agreement with respect to a national park is terminated under this subparagraph, the operators shall conform to the requirements for interim operating authority under subsection (c) until an air tour management plan for the park is in effect.

(c) INTERIM OPERATING AUTHORITY.—

(1) IN GENERAL.—Upon application for operating authority, the Administrator shall grant interim operating authority under this subsection to a commercial air tour operator for commercial air tour operations over a national park or tribal lands for which the operator is an existing commercial air tour operator.

(2) REQUIREMENTS AND LIMITATIONS.—Interim operating authority granted under this subsection—

(A) shall provide annual authorization only for the greater of—

(i) the number of flights used by the operator to provide the commercial air tour operations over a national park within the 12-month period prior to the date of the enactment of this section; or

(ii) the average number of flights per 12-month period used by the operator to provide such operations within the 36-month period prior to such date of enactment, and, for seasonal operations, the number of flights so used during the season or seasons covered by that 12-month period;

(B) may not provide for an increase in the number of commercial air tour operations over a national park conducted during any time period by the commercial air tour

operator above the number that the air tour operator was originally granted unless such an increase is agreed to by the Administrator and the Director;

(C) shall be published in the Federal Register to provide notice and opportunity for comment;

(D) may be revoked by the Administrator for cause;

(E) shall terminate 180 days after the date on which an air tour management plan is established for the park or tribal lands;

(F) shall promote protection of national park resources, visitor experiences, and tribal lands;

(G) shall promote safe commercial air tour operations;

(H) shall promote the adoption of quiet technology, as appropriate; and

(I) may allow for modifications of the interim operating authority without further environmental review beyond that described in this subsection, if—

(i) adequate information regarding the existing and proposed operations of the operator under the interim operating authority is provided to the Administrator and the Director;

(ii) the Administrator determines that there would be no adverse impact on aviation safety or the air traffic control system; and

(iii) the Director agrees with the modification, based on the professional expertise of the Director regarding the protection of the resources, values, and visitor use and enjoyment of the park.

(3) NEW ENTRANT AIR TOUR OPERATORS.—

(A) IN GENERAL.—The Administrator, in cooperation with the Director, may grant interim operating authority under this paragraph to an air tour operator for a national park or tribal lands for which that operator is a new entrant air tour operator without further environmental process beyond that described in this paragraph, if—

(i) adequate information on the proposed operations of the operator is provided to the Administrator and the Director by the operator making the request;

(ii) the Administrator agrees that there would be no adverse impact on aviation safety or the air traffic control system; and

(iii) the Director agrees, based on the Director's professional expertise regarding the protection of park resources and values and visitor use and enjoyment.

(B) SAFETY LIMITATION.—The Administrator may not grant interim operating authority under subparagraph (A) if the Administrator determines that it would create a safety problem at the park or on the tribal lands, or the Director determines that it would create a noise problem at the park or on the tribal lands.

(C) ATMP LIMITATION.—The Administrator may grant interim operating authority under subparagraph (A) of this paragraph only if the air tour management plan for the park or tribal lands to which the application relates has

not been developed within 24 months after the date of the enactment of this section.

(d) COMMERCIAL AIR TOUR OPERATOR REPORTS.—

(1) REPORT.—Each commercial air tour operator conducting a commercial air tour operation over a national park under interim operating authority granted under subsection (c) or in accordance with an air tour management plan or voluntary agreement under subsection (b) shall submit to the Administrator and the Director a report regarding the number of commercial air tour operations over each national park that are conducted by the operator and such other information as the Administrator and Director may request in order to facilitate administering the provisions of this section.

(2) REPORT SUBMISSION.—Not later than 90 days after the date of enactment of the FAA Modernization and Reform Act of 2012, the Administrator and the Director shall jointly issue an initial request for reports under this subsection. The reports shall be submitted to the Administrator and the Director with a frequency and in a format prescribed by the Administrator and the Director.

(e) EXEMPTIONS.—This section shall not apply to—

- (1) the Grand Canyon National Park; or
- (2) tribal lands within or abutting the Grand Canyon National Park.

(f) LAKE MEAD.—This section shall not apply to any air tour operator while flying over or near the Lake Mead National Recreation Area, solely as a transportation route, to conduct an air tour over the Grand Canyon National Park. For purposes of this subsection, an air tour operator flying over the Hoover Dam in the Lake Mead National Recreation Area en route to the Grand Canyon National Park shall be deemed to be flying solely as a transportation route.

(g) DEFINITIONS.—In this section, the following definitions apply:

(1) COMMERCIAL AIR TOUR OPERATOR.—The term “commercial air tour operator” means any person who conducts a commercial air tour operation over a national park.

(2) EXISTING COMMERCIAL AIR TOUR OPERATOR.—The term “existing commercial air tour operator” means a commercial air tour operator that was actively engaged in the business of providing commercial air tour operations over a national park at any time during the 12-month period ending on the date of the enactment of this section.

(3) NEW ENTRANT COMMERCIAL AIR TOUR OPERATOR.—The term “new entrant commercial air tour operator” means a commercial air tour operator that—

(A) applies for operating authority as a commercial air tour operator for a national park or tribal lands; and

(B) has not engaged in the business of providing commercial air tour operations over the national park or tribal lands in the 12-month period preceding the application.

(4) COMMERCIAL AIR TOUR OPERATION OVER A NATIONAL PARK.—

(A) IN GENERAL.—The term “commercial air tour operation over a national park” means any flight, conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over a national park, with-

in 1/2 mile outside the boundary of any national park (except the Grand Canyon National Park), or over tribal lands (except those within or abutting the Grand Canyon National Park), during which the aircraft flies—

(i) below a minimum altitude, determined by the Administrator in cooperation with the Director, above ground level (except solely for purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the Federal Aviation Administration requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); or

(ii) less than 1 mile laterally from any geographic feature within the park (unless more than 1/2 mile outside the boundary).

(B) FACTORS TO CONSIDER.—In making a determination of whether a flight is a commercial air tour operation over a national park for purposes of this section, the Administrator may consider—

(i) whether there was a holding out to the public of willingness to conduct a sightseeing flight for compensation or hire;

(ii) whether a narrative that referred to areas or points of interest on the surface below the route of the flight was provided by the person offering the flight;

(iii) the area of operation;

(iv) the frequency of flights conducted by the person offering the flight;

(v) the route of flight;

(vi) the inclusion of sightseeing flights as part of any travel arrangement package offered by the person offering the flight;

(vii) whether the flight would have been canceled based on poor visibility of the surface below the route of the flight; and

(viii) any other factors that the Administrator and the Director consider appropriate.

(5) NATIONAL PARK.—The term “national park” means any unit of the National Park System.

(6) TRIBAL LANDS.—The term “tribal lands” means Indian country (as that term is defined in section 1151 of title 18) that is within or abutting a national park.

(7) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Aviation Administration.

(8) DIRECTOR.—The term “Director” means the Director of the National Park Service.

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§ 40130. FAA authority to conduct criminal history record checks

(a) CRIMINAL HISTORY BACKGROUND CHECKS.—

(1) ACCESS TO INFORMATION.—The Administrator of the Federal Aviation Administration, for certification purposes of the Administration only, is authorized—

(A) to conduct, in accordance with the established request process, a criminal history background check of an airman in the criminal repositories of the Federal Bureau of Investigation and States by submitting positive identification of the airman to a fingerprint-based repository in compliance with section 217 of the National Crime Prevention and Privacy Compact Act of 1998 [(42 U.S.C. 14616)] (34 U.S.C. 40316); and

(B) to receive relevant criminal history record information regarding the airman checked.

(2) RELEASE OF INFORMATION.—In accessing a repository referred to in paragraph (1), the Administrator shall be subject to the conditions and procedures established by the Department of Justice or the State, as appropriate, for other governmental agencies conducting background checks for noncriminal justice purposes.

(3) LIMITATION.—The Administrator may not use the authority under paragraph (1) to conduct criminal investigations.

(4) REIMBURSEMENT.—The Administrator may collect reimbursement to process the fingerprint-based checks under this subsection, to be used for expenses incurred, including Federal Bureau of Investigation fees, in providing these services.

(b) DESIGNATED EMPLOYEES.—The Administrator shall designate, by order, employees of the Administration who may carry out the authority described in subsection (a).

§ 40131. Cooperative Aviation Recruitment, Enrichment, and Employment Readiness Program

(a) ESTABLISHMENT.—Not later than September 30, 2026, the Secretary of Transportation, through the National Center for the Advancement of Aerospace (in this section referred to as the “Center”), shall establish an aviation workforce cooperative development program to be known as the Cooperative Aviation Recruitment, Enrichment, and Employment Readiness Program (in this section referred to as the “CAREER Program”) to support the education, recruitment, training, and retention of future aviation professionals and the development of a robust United States aviation workforce by—

(1) using relevant workforce forecasts to predict and identify aviation-related workforce challenges; and

(2) funding projects that address such challenges and help to sustain the long-term growth of civil aviation.

(b) IMPLEMENTATION.—

(1) PARTNERSHIP WITH NCAA.—In implementing the CAREER Program established under subsection (a), the Secretary shall partner with the CAREER Council established in subsection (j) of section 120.

(2) NONDELEGATION.—Except as provided in paragraph (3), the Secretary may not delegate any of the authorities or responsibilities under this section to the Administrator of the Federal Aviation Administration.

(3) SUPPORT.—To support the administration of the CAREER Program, the Secretary may assign employees of the Department of Transportation, including employees of the Federal Aviation Administration, on detail to the Center.

(c) *SOLICITATION, REVIEW, AND EVALUATION PROCESS.*—*In carrying out the CAREER Program, the Secretary shall establish a solicitation, review, and evaluation process that ensures funds made available to carry out this section are awarded to eligible entities with proposals that have adequate merit and relevancy to the mission of the program.*

(d) *ELIGIBLE ENTITIES.*—*An eligible entity under this section is—*

(1) *an air carrier;*

(2) *an entity that holds management specifications under subpart K of title 91 of title 14, Code of Federal Regulations;*

(3) *a holder of a certificate issued under parts 139, 145, or 147 of title 14, Code of Federal Regulations;*

(4) *an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), a postsecondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002)), or a high school or secondary school (as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));*

(5) *a flight school that provides flight training, as defined in part 61 of title 14, Code of Federal Regulations, or that holds a pilot school certificate under part 141 of title 14, Code of Federal Regulations;*

(6) *an aviation labor organization;*

(7) *a State, local, territorial, or Tribal government, including a political subdivision thereof;*

(8) *an aviation-related nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code; or*

(9) *an entity that—*

(A) *actively designs or manufactures any aircraft, aircraft engine, propeller, or appliance, or a component, part, or system thereof, covered under a type or production certificate issued under section 44704; and*

(B) *has significant operations in the United States and a majority of the employees of such entity that are engaged in aviation manufacturing or development activities and services are based in the United States.*

(e) *REPORTING AND MONITORING REQUIREMENTS.*—*The Secretary shall establish reasonable reporting and monitoring requirements for grant recipients under this section to measure relevant outcomes of the program maintained pursuant to subsection (a).*

(f) *REPORT.*—*Not later than September 30, 2027, and annually through fiscal year 2028, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the program that includes—*

(1) *a summary of projects awarded grants under this section and the progress of each recipient towards fulfilling program expectations;*

(2) *an evaluation of how such projects cumulatively impact the future supply of individuals in the U.S. aviation workforce, including best practices or programs to incentivize, recruit, and retain individuals in aviation professions; and*

(3) recommendations for better coordinating actions by governmental entities, educational institutions, and businesses, aviation labor organizations, or other stakeholders to support aviation workforce growth.

(g) NOTICE OF GRANTS.—

(1) TIMELY PUBLIC NOTICE.—The Secretary shall provide public notice of any grant awarded under the CAREER Program in a timely fashion after the Secretary awards such grant.

(2) NOTICE TO CONGRESS.—The Secretary shall provide advance notice of a grant to be made under the CAREER Program to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(h) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts made available under section 48105, \$50,000,000 for each of fiscal years 2027 and 2028 is authorized to be expended to provide grants under the program established under subsection (a).

§40132. National airspace system cyber threat management process

(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration, in consultation with other agencies as the Administrator determines necessary, shall establish a national airspace system cyber threat management process to protect the national airspace system cyber environment, including the safety, security, and efficiency of the air navigation services provided by the Administration.

(b) ISSUES TO BE ADDRESSED.—In establishing the national airspace system cyber threat management process under subsection (a), the Administrator shall, at a minimum—

(1) monitor the national airspace system for cybersecurity incidents;

(2) in consultation with appropriate Federal agencies, evaluate the cyber threat landscape for the national airspace system, including updating such evaluation on both annual and threat-based timelines;

(3) conduct national airspace system cyber incident analyses;

(4) create a cyber common operating picture for the national airspace system cyber environment;

(5) coordinate national airspace system cyber incident responses with other appropriate Federal agencies;

(6) track cyber incident detection, response, mitigation implementation, recovery, and closure;

(7) establish a process, or utilize existing processes, to collect relevant interagency and stakeholder national airspace system cyber incident data, including data from other Federal agencies and private persons; and

(8) consider any other matter the Administrator determines appropriate.

(c) DEFINITIONS.—In this section:

(1) CYBER COMMON OPERATING PICTURE.—The term “cyber common operating picture” means the correlation of a detected cyber incident or cyber threat in the national airspace system and other operational anomalies to provide a holistic view of potential cause and impact.

(2) *CYBER ENVIRONMENT.*—The term “cyber environment” means the information environment consisting of the interdependent networks of information technology infrastructures and resident data, including the internet, telecommunications networks, computer systems, and embedded processors and controllers.

(3) *CYBER INCIDENT.*—The term “cyber incident” means an action that creates noticeable degradation, disruption, or destruction to the cyber environment and causes a safety or other negative impact on operations of—

(A) the national airspace system;

(B) civil aircraft; or

(C) aeronautical products and articles.

(4) *CYBER THREAT.*—The term “cyber threat” means the threat of an action that, if carried out, would constitute a cyber incident or an electronic attack.

(5) *ELECTRONIC ATTACK.*—The term “electronic attack” means the use of electromagnetic spectrum energy to impede operations in the cyber environment, including through techniques such as jamming or spoofing.

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SUBPART ii—ECONOMIC REGULATION

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CHAPTER 413—FOREIGN AIR TRANSPORTATION

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§ 41302. Permits of foreign air carriers

The Secretary of Transportation may issue a permit to a person (except a citizen of the United States) authorizing the person to provide foreign air transportation as a foreign air carrier if the Secretary finds that—

(1) the person is fit, willing, and able to provide the foreign air transportation to be authorized by the permit and to comply with this part and regulations of the Secretary; and

(2)(A) the person is qualified, and has been designated by the government of its country, to provide the foreign air transportation under an agreement with the United States Government; or

(B) **the foreign air transportation** after considering the totality of the circumstances, including the matters described in section 40101(a), the foreign air transportation to be provided under the permit will be in the public interest.

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§ 41313. Plans to address needs of families of passengers involved in foreign air carrier accidents

(a) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **AIRCRAFT ACCIDENT.**—The term “aircraft accident” means any aviation disaster, regardless of its cause or suspected cause, that occurs within the United States; and

(2) PASSENGER.—The term “passenger” has the meaning given such term by section 1136.

(b) SUBMISSION OF PLANS.—A foreign air carrier providing foreign air transportation under this chapter shall transmit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in an aircraft accident that involves an aircraft under the control of the foreign air carrier and results in any loss of life.

(c) CONTENTS OF PLANS.—To the extent permitted by foreign law which was in effect on the date of the enactment of this section, a plan submitted by a foreign air carrier under subsection (b) shall include the following:

(1) TELEPHONE NUMBER.—A plan for publicizing a reliable, toll-free telephone number and staff to take calls to such number from families of passengers involved in an aircraft accident that involves an aircraft under the control of the foreign air carrier and results in any loss of life.

(2) NOTIFICATION OF FAMILIES.—A process for notifying, in person to the extent practicable, the families of passengers involved in an aircraft accident that involves an aircraft under the control of the foreign air carrier and results in any loss of life before providing any public notice of the names of such passengers. Such notice shall be provided by using the services of—

(A) the organization designated for the accident under section 1136(a)(2); or

(B) other suitably trained individuals.

(3) NOTICE PROVIDED AS SOON AS POSSIBLE.—An assurance that the notice required by paragraph (2) shall be provided as soon as practicable after the foreign air carrier has verified the identity of a passenger on the foreign aircraft, whether or not the names of all of the passengers have been verified.

(4) LIST OF PASSENGERS.—An assurance that the foreign air carrier shall provide, immediately upon request, and update a list (based on the best available information at the time of the request) of the names of the passengers aboard the aircraft (whether or not such names have been verified), to—

(A) the director of family support services designated for the accident under section 1136(a)(1); and

(B) the organization designated for the accident under section 1136(a)(2).

(5) CONSULTATION REGARDING DISPOSITION OF REMAINS AND EFFECTS.—An assurance that the family of each passenger will be consulted about the disposition of any remains and personal effects of the passenger that are within the control of the foreign air carrier.

(6) RETURN OF POSSESSIONS.—An assurance that, if requested by the family of a passenger, any possession (regardless of its condition) of that passenger that is within the control of the foreign air carrier will be returned to the family unless the possession is needed for the accident investigation or a criminal investigation.

(7) UNCLAIMED POSSESSIONS RETAINED.—An assurance that any unclaimed possession of a passenger within the control of

the foreign air carrier will be retained by the foreign air carrier for not less than 18 months after the date of the accident.

(8) MONUMENTS.—An assurance that the family of each passenger will be consulted about construction by the foreign air carrier of any monument to the passengers built in the United States, including any inscription on the monument.

(9) EQUAL TREATMENT OF PASSENGERS.—An assurance that the treatment of the families of nonrevenue passengers (and any other victim of the accident, including any victim on the ground) will be the same as the treatment of the families of revenue passengers.

(10) SERVICE AND ASSISTANCE TO FAMILIES OF PASSENGERS.—An assurance that the foreign air carrier will work with any organization designated under section 1136(a)(2) on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following an accident.

(11) COMPENSATION TO SERVICE ORGANIZATIONS.—An assurance that the foreign air carrier will provide reasonable compensation to any organization designated under section 1136(a)(2) for services and assistance provided by the organization.

(12) TRAVEL AND CARE EXPENSES.—An assurance that the foreign air carrier will assist the family of any passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.

(13) RESOURCES FOR PLAN.—An assurance that the foreign air carrier will commit sufficient resources to carry out the plan.

(14) SUBSTITUTE MEASURES.—If a foreign air carrier does not wish to comply with paragraph (10), (11), or (12), a description of proposed adequate substitute measures for the requirements of each paragraph with which the foreign air carrier does not wish to comply.

(15) TRAINING OF EMPLOYEES AND AGENTS.—An assurance that the foreign air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.

(16) CONSULTATION ON CARRIER RESPONSE NOT COVERED BY PLAN.—An assurance that, in the event that the foreign air carrier volunteers assistance to United States citizens within the United States with respect to an aircraft accident outside the United States involving any loss of life, [will consult] *the foreign air carrier shall consult* with the Board and the Department of State on the provision of the assistance.

(17) NOTICE CONCERNING LIABILITY FOR MANMADE STRUCTURES.—

(A) IN GENERAL.—An assurance that, in the case of an accident that results in any damage to a manmade structure or other property on the ground that is not government-owned, the foreign air carrier will promptly provide notice, in writing, to the extent practicable, directly to the owner of the structure or other property about liability for any property damage and means for obtaining compensation.

(B) MINIMUM CONTENTS.—At a minimum, the written notice shall advise an owner (i) to contact the insurer of the property as the authoritative source for information about coverage and compensation; (ii) to not rely on unofficial information offered by foreign air carrier representatives about compensation by the foreign air carrier for accident-site property damage; and (iii) to obtain photographic or other detailed evidence of property damage as soon as possible after the accident, consistent with restrictions on access to the accident site.

(18) SIMULTANEOUS ELECTRONIC TRANSMISSION OF NTSB HEARING.—An assurance that, in the case of an accident in which the National Transportation Safety Board conducts a public hearing or comparable proceeding at a location greater than 80 miles from the accident site, the foreign air carrier will ensure that the proceeding is made available simultaneously by electronic means at a location open to the public at both the origin city and destination city of the foreign air carrier’s flight if that city is located in the United States.

(d) PERMIT AND EXEMPTION REQUIREMENT.—The Secretary shall not approve an application for a permit under section 41302 unless the applicant has included as part of the application or request for exemption a plan that meets the requirements of subsection (c).

(e) LIMITATION ON LIABILITY.—A foreign air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the foreign air carrier in preparing or providing a passenger list pursuant to a plan submitted by the foreign air carrier under subsection (c), unless the liability was caused by conduct of the foreign air carrier which was grossly negligent or which constituted intentional misconduct.

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CHAPTER 415—PRICING

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§ 41511. Special prices for foreign air transportation

(a) FREE AND REDUCED PRICING.—This chapter does not prohibit an air carrier or foreign air carrier, under terms the Secretary of Transportation prescribes, from issuing or interchanging tickets or passes for free or reduced-price foreign air transportation to or for the following:

- (1) a director, officer, or employee of the carrier (including a retired director, officer, or employee who is receiving retirement benefits from an air carrier or foreign air carrier).
- (2) a parent or the immediate family of such an officer or employee or the immediate family of such a director.
- (3) a widow, widower, or minor child of an employee of the carrier who died as a direct result of a personal injury sustained when performing a duty in the service of the carrier.
- (4) a witness or attorney attending a legal investigation in which the air carrier is interested.
- (5) an individual injured in an aircraft accident and a physician or nurse attending the individual.

(6) a parent or the immediate family of an individual injured or killed in an aircraft accident when the transportation is related to the accident.

(7) an individual or property to provide relief in a general epidemic, pestilence, or other emergency.

(8) other individuals under other circumstances the Secretary prescribes by regulation.

(b) SPACE-AVAILABLE BASIS.—Under terms the Secretary prescribes, an air carrier or foreign air carrier may grant reduced-price foreign air transportation on a space-available basis to the following:

- (1) a minister of religion.
- (2) an individual who is at least 60 years of age and no longer gainfully employed.
- (3) an individual who is at least 65 years of age.
- (4) an individual who has severely impaired vision or hearing or another physical or mental [handicap] *disability* and an accompanying attendant needed by that individual.

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CHAPTER 417—OPERATIONS OF CARRIERS

SUBCHAPTER I—REQUIREMENTS

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| Sec. | * | * | * | * | * | * | * |
| | | | | | | | |
| | [41705. Discrimination against handicapped individuals.] | | | | | | |
| | 41705. <i>Discrimination against individuals with disabilities.</i> | | | | | | |
| | * | * | * | * | * | * | * |
| | 41727. <i>Passenger rights.</i> | | | | | | |
| | 41728. <i>Airline passengers with disabilities bill of rights.</i> | | | | | | |
| | 41729. <i>Formal sexual assault and harassment policies.</i> | | | | | | |

SUBCHAPTER I—REQUIREMENTS

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§ 41705. Discrimination against [handicapped individuals] individuals with disabilities

(a) IN GENERAL.—In providing air transportation, an air carrier, including (subject to section 40105(b)) any foreign air carrier, may not discriminate against an otherwise qualified individual on the following grounds:

- (1) the individual has a physical or mental impairment that substantially limits one or more major life activities.
- (2) the individual has a record of such an impairment.
- (3) the individual is regarded as having such an impairment.

(b) EACH ACT CONSTITUTES SEPARATE OFFENSE.—For purposes of section 46301, a separate violation occurs under this section for each individual act of discrimination prohibited by subsection (a).

(c) INVESTIGATION OF COMPLAINTS.—

[(1) IN GENERAL.—The Secretary shall investigate each complaint of a violation of subsection (a).]

(1) IN GENERAL.—The Secretary shall—

(A) not later than 120 days after the receipt of any complaint of a violation of this section or a regulation prescribed under this section, investigate such complaint; and

(B) provide, in writing, to the individual that filed the complaint and the air carrier or foreign air carrier alleged to have violated this section or a regulation prescribed under this section, the determination of the Secretary with respect to—

(i) whether the air carrier or foreign air carrier violated this section or a regulation prescribed under this section;

(ii) the facts underlying the complaint; and

(iii) any action the Secretary is taking in response to the complaint.

(2) PUBLICATION OF DATA.—The Secretary shall publish disability-related complaint data in a manner comparable to other consumer complaint data.

(3) REVIEW AND REPORT.—The Secretary shall regularly review all complaints received by air carriers alleging discrimination on the basis of disability and shall report annually to Congress on the results of such review.

(4) TECHNICAL ASSISTANCE.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall—

(A) implement a plan, in consultation with the Department of Justice, the United States Architectural and Transportation Barriers Compliance Board, and the National Council on Disability, to provide technical assistance to air carriers and individuals with disabilities in understanding the rights and responsibilities set forth in this section; and

(B) ensure the availability and provision of appropriate technical assistance manuals to individuals and entities with rights or responsibilities under this section.

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§ 41712. Unfair and deceptive practices and unfair methods of competition

(a) IN GENERAL.—On the initiative of the Secretary of Transportation or the complaint of an air carrier, foreign air carrier, air ambulance consumer (as defined by the Secretary of Transportation), or ticket agent, and if the Secretary considers it is in the public interest, the Secretary may investigate and decide whether an air carrier, foreign air carrier, or ticket agent has been or is engaged in an unfair or deceptive practice or an unfair method of competition in air transportation or the sale of air transportation. If the Secretary, after notice and an opportunity for a hearing, finds that an air carrier, foreign air carrier, or ticket agent is engaged in an unfair or deceptive practice or unfair method of competition, the Secretary shall order the air carrier, foreign air carrier, or ticket agent to stop the practice or method.

(b) E-TICKET EXPIRATION NOTICE.—It shall be an unfair or deceptive practice under subsection (a) for any air carrier, foreign air carrier, or ticket agent utilizing electronically transmitted tickets for air transportation to fail to notify the purchaser of such a ticket of its expiration date, if any.

(c) DISCLOSURE REQUIREMENT FOR SELLERS OF TICKETS FOR FLIGHTS.—

(1) *IN GENERAL.*—It shall be an unfair or deceptive practice under subsection (a) for any ticket agent, air carrier, foreign air carrier, or other person offering to sell tickets for air transportation on a flight of an air carrier to fail to disclose, whether verbally in oral communication or in writing in written or electronic communication, prior to the purchase of a ticket—

(A) the name of the air carrier providing the air transportation; and

(B) if the flight has more than one flight segment, the name of each air carrier providing the air transportation for each such flight segment.

(2) *INTERNET OFFERS.*—In the case of an offer to sell tickets described in paragraph (1) on an Internet Web site, disclosure of the information required by paragraph (1) shall be provided on the first display of the Web site following a search of a requested itinerary in a format that is easily visible to a viewer.

(e) *FULL FARE ADVERTISING.*—

(1) *IN GENERAL.*—It shall not be an unfair or deceptive practice under subsection (a) for a covered entity to state in an advertisement or solicitation for passenger air transportation the base airfare for such air transportation if the covered entity clearly and separately discloses—

(A) the government-imposed taxes and fees associated with the air transportation; and

(B) the total cost of the air transportation.

(2) *FORM OF DISCLOSURE.*—

(A) *IN GENERAL.*—For purposes of paragraph (1), the information described in paragraphs (1)(A) and (1)(B) shall be disclosed in the advertisement or solicitation in a manner that clearly presents the information to the consumer.

(B) *INTERNET ADVERTISEMENTS AND SOLICITATIONS.*—For purposes of paragraph (1), with respect to an advertisement or solicitation for passenger air transportation that appears on a website, the information described in paragraphs (1)(A) and (1)(B) may be disclosed through a link or pop-up, as such terms may be defined by the Secretary, in a manner that is easily accessible and viewable by the consumer.

(3) *DEFINITIONS.*—In this subsection:

(A) *BASE AIRFARE.*—The term “base airfare” means the cost of passenger air transportation, excluding government-imposed taxes and fees.

(B) *COVERED ENTITY.*—The term “covered entity” means an air carrier, including an indirect air carrier, foreign carrier, ticket agent, or other person offering to sell tickets for passenger air transportation or a tour, or tour component, that must be purchased with air transportation.

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§ 41727. Passenger rights

(a) *GUIDELINES.*—The Secretary of Transportation shall require each air carrier and foreign air carrier to submit a summarized 1-page document that describes the rights of passengers in air transportation, including guidelines for the following:

(1) Compensation (regarding rebooking options, refunds, meals, and lodging) for flight delays of various lengths.

(2) Compensation (regarding rebooking options, refunds, meals, and lodging) for flight diversions.

(3) Compensation (regarding rebooking options, refunds, meals, and lodging) for flight cancellations.

(4) Compensation for mishandled baggage, wheelchairs, mobility aids and other assistive devices, including delayed, damaged, pilfered, or lost baggage, wheelchairs, mobility aids and other assistive devices.

(5) Voluntary relinquishment of a ticketed seat due to overbooking or priority of other passengers.

(6) Involuntary denial of boarding and forced removal for whatever reason, including for safety and security reasons.

(b) **FILING OF SUMMARIZED GUIDELINES.**—Not later than 90 days after each air carrier and foreign air carrier submits the 1-page document to the Secretary under subsection (a), each such air carrier and foreign air carrier shall make available such 1-page document in a prominent location on its website.

§ 41728. Airline passengers with disabilities bill of rights

(a) **AIRLINE PASSENGERS WITH DISABILITIES BILL OF RIGHTS.**—The Secretary of Transportation shall develop a document, to be known as the “Airline Passengers with Disabilities Bill of Rights”, using plain language to describe the basic protections and responsibilities of air carriers and foreign air carriers, their employees and contractors, and people with disabilities under section 41705.

(b) **CONTENT.**—In developing the Airline Passengers with Disabilities Bill of Rights under subsection (a), the Secretary shall include, at a minimum, plain language descriptions of protections and responsibilities provided in law related to the following:

(1) The right of passengers with disabilities to be treated with dignity and respect.

(2) The right of passengers with disabilities to receive timely assistance, if requested, from properly trained air carrier, foreign air carrier, and contractor personnel.

(3) The right of passengers with disabilities to travel with wheelchairs, mobility aids, and other assistive devices, including necessary medications and medical supplies, including stowage of such wheelchairs, aids, and devices.

(4) The right of passengers with disabilities to receive seating accommodations, if requested, to accommodate a disability

(5) The right of passengers with disabilities to receive announcements in an accessible format.

(6) The right of passengers with disabilities to speak with a complaint resolution officer or to file a complaint with an air carrier, a foreign air carrier, or the Department of Transportation.

(c) **RULE OF CONSTRUCTION.**—The development of the Airline Passengers with Disabilities Bill of Rights under subsections (a) and (b) shall not be construed as expanding or restricting the rights available to passengers with disabilities on the day before the date of the enactment of the FAA Reauthorization Act of 2018 (Public Law 115–254) pursuant to any statute or regulation.

(d) *CONSULTATIONS.*—In developing the Airline Passengers with Disabilities Bill of Rights under subsection (a), the Secretary shall consult with stakeholders, including disability organizations and air carriers, foreign air carriers, and their contractors.

(e) *DISPLAY.*—Each air carrier and foreign air carrier shall include the Airline Passengers with Disabilities Bill of Rights—

(1) on a publicly available internet website of the carrier; and

(2) in any pre-flight notifications or communications provided to passengers who alert the carrier in advance of the need for accommodations relating to a disability.

(f) *TRAINING.*—

(1) *IN GENERAL.*—Air carriers, foreign air carriers, and contractors of such carriers shall submit to the Secretary plans that ensure that employees of such carriers and their contractors receive training on the protections and responsibilities described in the Airline Passengers with Disabilities Bill of Rights.

(2) *REVIEW.*—The Secretary shall review such plans to ensure the plans address the matters described in subsection (b).

§ 41729. Formal sexual assault and harassment policies

(a) *REQUIREMENT.*—Not later than 180 days after the date of enactment of this section, each air carrier and foreign air carrier transporting passengers for compensation shall issue, in consultation with labor unions representing personnel of the air carrier or foreign air carrier, a formal policy with respect to transportation sexual assault or harassment incidents.

(b) *CONTENTS.*—The policy required under subsection (a) shall include—

(1) a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance;

(2) procedures that facilitate the reporting of a transportation sexual assault or harassment incident, including—

(A) appropriate public outreach activities; and

(B) confidential phone and internet-based opportunities for reporting;

(3) procedures that personnel should follow upon the reporting of a transportation sexual assault or harassment incident, including actions to protect affected individuals from continued sexual assault or harassment and to notify law enforcement when appropriate;

(4) procedures that may limit or prohibit, to the extent practicable, future travel with the air carrier or foreign air carrier by any passenger who causes a transportation sexual assault or harassment incident; and

(5) training that is required for all appropriate personnel with respect to the policy required under subsection (a), including—

(A) specific training for personnel who may receive reports of transportation sexual assault or harassment incidents; and

(B) recognizing and responding to potential human trafficking victims, in the same manner as required under section 44734(a)(4).

(c) *PASSENGER INFORMATION.*—An air carrier or foreign air carrier described in subsection (a) shall prominently display, on the internet website of the air carrier or foreign air carrier and through the use of appropriate signage, a written statement that informs passengers and personnel of the procedure for reporting a transportation sexual assault or harassment incident.

(d) *STANDARD OF CARE.*—Compliance with the requirements of this section, and any policy issued thereunder, shall not determine whether the air carrier or foreign air carrier described in subsection (a) has acted with any requisite standard of care.

(e) *DEFINITIONS.*—In this section:

(1) *PERSONNEL.*—The term “personnel” means an employee or contractor of an air carrier or foreign air carrier.

(2) *SEXUAL ASSAULT.*—The term “sexual assault” means the occurrence of an act that constitutes any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

(3) *TRANSPORTATION SEXUAL ASSAULT OR HARASSMENT INCIDENT.*—The term “transportation sexual assault or harassment incident” means the occurrence, or reasonably suspected occurrence, of an act that—

(A) constitutes sexual assault or sexual harassment; and

(B) is committed—

(i) by a passenger or member of personnel of an air carrier or foreign air carrier against another passenger or member of personnel of an air carrier or foreign air carrier; and

(ii) within an aircraft or in an area in which passengers are entering or exiting an aircraft.

SUBCHAPTER II—SMALL COMMUNITY AIR SERVICE

§ 41731. Definitions

(a) *GENERAL.*—In this subchapter—

(1) “eligible place” means a place in the United States that—

(A)(i)(I) was an eligible point under section 419 of the Federal Aviation Act of 1958 before October 1, 1988;

(II) received scheduled air transportation at any time after January 1, 1990; and

(III) is not listed in Department of Transportation Orders 89–9–37 and 89–12–52 as a place ineligible for compensation under this subchapter; or

(ii) was determined, on or after October 1, 1988, and before the date of the enactment of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190), under this subchapter by the Secretary of Transportation to be eligible to receive subsidized small community air service under section 41736(a);

(B) had an average of 10 enplanements per service day or more, as determined by the Secretary, during the most recent fiscal year beginning after September 30, 2012;

[(C) had an average subsidy per passenger of less than \$1,000 during the most recent fiscal year, as determined by the Secretary; and]

(C) had an average subsidy per passenger—

- (i) of less than \$1,000 during the most recent fiscal year beginning before October 1, 2026, as determined in subparagraph (D) by the Secretary; or
- (ii) of \$500 or less during the most recent fiscal year beginning on or after October 1, 2026; and

(D) is a community that, at any time during the period between September 30, 2010, and September 30, 2011, inclusive—

- (i) received essential air service for which compensation was provided to an air carrier under this subchapter; or
- (ii) received a 90-day notice of intent to terminate essential air service and the Secretary required the air carrier to continue to provide such service to the community.

(2) “enhanced essential air service” means scheduled air transportation to an eligible place of a higher level or quality than basic essential air service described in section 41732 of this title.

(b) LIMITATION ON AUTHORITY TO DECIDE A PLACE NOT AN ELIGIBLE PLACE.—The Secretary may not decide that a place described in subsection (a)(1) of this section is not an eligible place on any basis that is not specifically stated in this subchapter.

(c) EXCEPTION FOR LOCATIONS IN ALASKA AND HAWAII.—Subparagraphs (B), (C), and (D) of subsection (a)(1) and section 41737(a)(1)(F) shall not apply with respect to locations in the State of Alaska or the State of Hawaii.

(d) EXCEPTIONS FOR LOCATIONS MORE THAN 175 DRIVING MILES FROM THE NEAREST LARGE OR MEDIUM HUB AIRPORT.—Subsection (a)(1)(B) and section 41737(a)(1)(F) shall not apply with respect to locations that are more than 175 driving miles from the nearest large or medium hub airport.

(e) WAIVERS.—For fiscal year 2013 and each fiscal year thereafter, the Secretary may waive, on an annual basis, subsection (a)(1)(B) with respect to a location if the location demonstrates to the Secretary’s satisfaction that the reason the location averages fewer than 10 enplanements per day is due to a temporary decline in enplanements.

(f) DEFINITION.—For purposes of subsection (a)(1)(B), the term “enplanements” means the number of passengers enplaning, at an eligible place, on flights operated by the subsidized essential air service carrier.

§ 41732. Basic essential air service

(a) GENERAL.—Basic essential air service provided under section 41733 of this title is scheduled air transportation of passengers and cargo—

- (1) to a hub airport *less than 650 miles from an eligible place (unless such airport or eligible place are located in a non-contiguous State)* that has convenient connecting or single-plane air service to a substantial number of destinations beyond that airport; or
- (2) to a small hub or nonhub airport, when in Alaska or when the nearest hub airport is more than 400 miles from an eligible place.

(b) **MINIMUM REQUIREMENTS.**—Basic essential air service shall include at least the following:

(1)(A) for a place not in Alaska, 2 daily round trips 6 days a week, with not more than one intermediate stop on each flight; or

(B) for a place in Alaska, a level of service at least equal to that provided in 1976 or 2 round trips a week, whichever is greater, except that the Secretary of Transportation and the appropriate State authority of Alaska may agree to a different level of service after consulting with the affected community.

(2) flights at reasonable times considering the needs of passengers with connecting flights at the airport and at prices that are not excessive compared to the generally prevailing prices of other air carriers for like service between similar places.

(3) for a place not in Alaska, service provided in an aircraft with an effective capacity of at least 15 passengers if the average daily boardings at the place in any calendar year from 1976-1986 were more than 11 passengers unless—

(A) that level-of-service requirement would require paying compensation in a fiscal year under section 41733(d) or 41734(d) or (e) of this title for the place when compensation otherwise would not have been paid for that place in that year; or

(B) the affected community agrees with the Secretary in writing to the use of smaller aircraft to provide service to the place.

(4) service accommodating the estimated passenger and property traffic at an average load factor, for each class of traffic considering seasonal demands for the service, of not more than—

(A) 50 percent; or

(B) 60 percent when service is provided by aircraft with more than 14 passenger seats.

(5) service provided in aircraft with at least 2 engines and using 2 pilots, unless scheduled air transportation has not been provided to the place in aircraft with at least 2 engines and using 2 pilots for at least 60 consecutive operating days at any time since October 31, 1978.

(6) service provided by pressurized aircraft when the service is provided by aircraft that regularly fly above 8,000 feet in altitude.

(c) **WAIVERS.**—Notwithstanding section 41733(e), upon request by an eligible place, the Secretary may waive, in whole or in part, subsections (a) and (b) of this section or subsections (a) through (c) of section 41734. A waiver issued under this subsection shall remain in effect for a limited period of time, as determined by the Secretary.

§ 41733. Level of basic essential air service

(a) **DECISIONS MADE BEFORE OCTOBER 1, 1988.**—For each eligible place for which a decision was made before October 1, 1988, under section 419 of the Federal Aviation Act of 1958, establishing the level of essential air transportation, the level of basic essential air service for that place shall be the level established by the Secretary

of Transportation for that place by not later than December 29, 1988.

(b) DECISIONS NOT MADE BEFORE OCTOBER 1, 1988.—(1) The Secretary shall decide on the level of basic essential air service for each eligible place for which a decision was not made before October 1, 1988, establishing the level of essential air transportation, when the Secretary receives notice that service to that place will be provided by only one air carrier. The Secretary shall make the decision by the last day of the 6-month period beginning on the date the Secretary receives the notice. The Secretary may impose notice requirements necessary to carry out this subsection. Before making a decision, the Secretary shall consider the views of any interested community and the appropriate State authority of the State in which the community is located.

(2) Until the Secretary has made a decision on a level of basic essential air service for an eligible place under this subsection, the Secretary, on petition by an appropriate representative of the place, shall prohibit an air carrier from ending, suspending, or reducing air transportation to that place that appears to deprive the place of basic essential air service.

(c) AVAILABILITY OF COMPENSATION.—(1) If the Secretary decides that basic essential air service will not be provided to an eligible place without compensation, the Secretary shall provide notice that an air carrier may apply to provide basic essential air service to the place for compensation under this section. In selecting an applicant, the Secretary shall consider, among other factors—

(A) the demonstrated reliability of the applicant in providing scheduled air service;

(B) the contractual and marketing arrangements the applicant has made with a larger carrier to ensure service beyond the hub airport;

(C) the interline arrangements that the applicant has made with a larger carrier to allow passengers and cargo of the applicant at the hub airport to be transported by the larger carrier through one reservation, ticket, and baggage check-in;

(D) the preferences of the actual and potential users of air transportation at the eligible place, [giving substantial weight to] *including* the views of the elected officials representing the users;

(E) whether the air carrier has included a plan in its proposal to market its services to the community; [and]

(F) for an eligible place in Alaska, the experience of the applicant in providing, in Alaska, scheduled air service, or significant patterns of non-scheduled air service under an exemption granted under section 40109(a) and (c)–(h) of this title[.]; and

(G) *the total compensation proposed by the air carrier for providing scheduled air service under this section.*

(2) Under guidelines prescribed under section 41737(a) of this title, the Secretary shall pay the rate of compensation for providing basic essential air service under this section and section 41734 of this title.

(d) COMPENSATION PAYMENTS.—The Secretary shall pay compensation under this section at times and in the way the Secretary decides is appropriate. The Secretary shall end payment of compensation to an air carrier for providing basic essential air service

to an eligible place when the Secretary decides the compensation is no longer necessary to maintain basic essential air service to the place.

(e) REVIEW.—The Secretary shall review periodically the level of basic essential air service for each eligible place. Based on the review and consultations with an interested community and the appropriate State authority of the State in which the community is located, the Secretary may make appropriate adjustments in the level of service, to the extent such adjustments are to a level not less than the basic essential air service level established under subsection (a) for the airport that serves the community.

(f) NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY.—

(1) IN GENERAL.—The Secretary shall notify each community receiving basic essential air service for which compensation is being paid under this subchapter on or before the 45th day before issuing any final decision to end the payment of such compensation due to a determination by the Secretary that providing such service requires a rate of subsidy per passenger in excess of the subsidy cap.

(2) PROCEDURES TO AVOID TERMINATION.—The Secretary shall establish, by order, procedures by which each community notified of an impending loss of subsidy under paragraph (1) may work directly with an air carrier to ensure that the air carrier is able to submit a proposal to the Secretary to provide essential air service to such community for an amount of compensation that would not exceed the subsidy cap.

(3) ASSISTANCE PROVIDED.—The Secretary shall provide, by order, information to each community notified under paragraph (1) regarding—

(A) the procedures established pursuant to paragraph (2); and

(B) the maximum amount of compensation that could be provided under this subchapter to an air carrier serving such community that would comply with basic essential air service and the subsidy cap.

(g) PROPOSALS OF STATE AND LOCAL GOVERNMENTS TO RESTORE ELIGIBILITY.—

(1) IN GENERAL.—If the Secretary, after the date of enactment of this subsection, ends payment of compensation to an air carrier for providing basic essential air service to an eligible place because the Secretary has determined that providing such service requires a rate of subsidy per passenger in excess of the subsidy cap or that the place is no longer an eligible place pursuant to section 41731(a)(1)(B), a State or local government may submit to the Secretary a proposal for restoring compensation for such service. Such proposal shall be a joint proposal of the State or local government and an air carrier.

(2) DETERMINATION BY SECRETARY.—The Secretary shall issue an order restoring the eligibility of the otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c) if—

(A) a State or local government submits to the Secretary a proposal under paragraph (1); and

(B) the Secretary determines that—

(i) the rate of subsidy per passenger under the proposal does not exceed the subsidy cap;

(ii) the proposal is likely to result in an average number of enplanements per day that will satisfy the requirement in section 41731(a)(1)(B); and

(iii) the proposal is consistent with the legal and regulatory requirements of the essential air service program.

(h) **SUBSIDY CAP DEFINED.**—In this section, the term “subsidy cap” means the subsidy-per-passenger cap established by section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (Public Law 106–69; 113 Stat. 1022).

* * * * *

§ 41737. Compensation guidelines, limitations, and claims

(a) **COMPENSATION GUIDELINES.**—(1) The Secretary of Transportation shall prescribe guidelines governing the rate of compensation payable under this subchapter. The guidelines shall be used to determine the reasonable amount of compensation required to ensure the continuation of air service or air transportation under this subchapter. The guidelines shall—

(A) provide for a reduction in compensation when an air carrier does not provide service or transportation agreed to be provided;

(B) consider amounts needed by an air carrier to promote public use of the service or transportation for which compensation is being paid;

(C) include expense elements based on representative costs of air carriers providing scheduled air transportation of passengers, property, and mail on aircraft of the type the Secretary decides is appropriate for providing the service or transportation for which compensation is being provided;

(D) include provisions under which the Secretary may encourage an air carrier to improve air service for which compensation is being paid under this subchapter by incorporating financial incentives in an essential air service contract based on specified performance goals, including goals related to improving on-time performance, reducing the number of flight cancellations, establishing reasonable fares (including joint fares beyond the hub airport), establishing convenient connections to flights providing service beyond hub airports, and increasing marketing efforts; **[and]**

(E) include provisions under which the Secretary may execute a long-term essential air service contract to encourage an air carrier to provide air service to an eligible place if it would be in the public interest to do so~~].~~; *and*

(F) require that, for a contract to provide air service that is entered into or renewed under this subchapter after September 30, 2026, the Government's share of the compensation is 95 percent.

(2) Promotional amounts described in paragraph (1)(B) of this subsection shall be a special, segregated element of the compensation provided to a carrier under this subchapter.

(b) **REQUIRED FINDING.**—The Secretary may pay compensation to an air carrier for providing air service or air transportation under

this subchapter only if the Secretary finds the carrier is able to provide the service or transportation in a reliable way.

(c) CLAIMS.—Not later than 15 days after receiving a written claim from an air carrier for compensation under this subchapter, the Secretary shall—

(1) pay or deny the United States Government's share of a claim; and

(2) if denying the claim, notify the carrier of the denial and the reasons for the denial.

(d) AUTHORITY TO MAKE AGREEMENTS AND INCUR OBLIGATIONS.—(1) The Secretary may make agreements and incur obligations from the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to pay compensation under this subchapter. An agreement by the Secretary under this subsection is a contractual obligation of the Government to pay the Government's share of the compensation.

(2) Not more than \$38,600,000 is available to the Secretary out of the Fund for each of the fiscal years ending September 30, 1993–1998, to incur obligations under this section. Amounts made available under this section remain available until expended.

(e) ADJUSTMENTS TO ACCOUNT FOR SIGNIFICANTLY INCREASED COSTS.—

(1) IN GENERAL.—If the Secretary determines that air carriers are experiencing significantly increased costs in providing air service or air transportation for which compensation is being paid under this subchapter, the Secretary may increase the rates of compensation payable under this subchapter without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734.

(2) READJUSTMENT IF COSTS SUBSEQUENTLY DECLINE.—If an adjustment is made under paragraph (1), and total unit costs subsequently decrease to at least the total unit cost reflected in the compensation rate, then the Secretary may reverse the adjustment previously made under paragraph (1) without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734.

(3) SIGNIFICANTLY INCREASED COSTS DEFINED.—In this subsection, the term “significantly increased costs” means a total unit cost increase (but not increases in individual unit costs) of 10 percent or more in relation to the total unit cost reflected in the compensation rate, based on the carrier's internal audit of its financial statements if such cost increase is incurred for a period of at least 2 consecutive months.

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§ 41742. Essential air service authorization

(a) IN GENERAL.—

(1) AUTHORIZATION.—Out of the amounts received by the Federal Aviation Administration credited to the account established under section 45303 of this title or otherwise provided to the Administration, the sum of \$50,000,000 for each fiscal year is authorized and shall be made available immediately for

obligation and expenditure to carry out the essential air service program under this subchapter.

(2) **ADDITIONAL FUNDS.**—In addition to amounts authorized under paragraph (1), there is authorized to be appropriated out of the Airport and Airway Trust Fund (established under section 9502 of the Internal Revenue Code of 1986) ~~【\$155,000,000 for fiscal year 2018, \$158,000,000 for fiscal year 2019, \$161,000,000 for fiscal year 2020, \$165,000,000 for fiscal year 2021, \$168,000,000 for fiscal year 2022, and \$172,000,000 for fiscal year 2023】~~ *\$332,000,000 for fiscal year 2024, \$312,000,000 for fiscal year 2025, \$300,000,000 for fiscal year 2026, \$265,000,000 for fiscal year 2027, and \$252,000,000 for fiscal year 2028* to carry out the essential air service program under this subchapter of which not more than \$12,000,000 per fiscal year may be used for the marketing incentive program for communities and for State marketing assistance.

(3) **AUTHORIZATION FOR ADDITIONAL EMPLOYEES.**—In addition to amounts authorized under paragraphs (1) and (2), there are authorized to be appropriated such sums as may be necessary for the Secretary of Transportation to hire and employ 4 additional employees for the office responsible for carrying out the essential air service program.

(b) **DISTRIBUTION OF ADDITIONAL FUNDS.**—Notwithstanding any other provision of law, in any fiscal year in which funds credited to the account established under section 45303, including the funds derived from fees imposed under the authority contained in section 45301(a), exceed the \$50,000,000 made available under subsection (a)(1), such funds shall be made available immediately for obligation and expenditure to carry out the essential air service program under this subchapter.

(c) **AVAILABILITY OF FUNDS.**—The funds made available under this section shall remain available until expended.

§ 41743. Airports not receiving sufficient service

(a) **SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM.**—The Secretary of Transportation shall establish a program that meets the requirements of this section for improving air carrier service to airports not receiving sufficient air carrier service.

(b) **APPLICATION REQUIRED.**—In order to participate in the program established under subsection (a), a community or consortium of communities shall submit an application to the Secretary in such form, at such time, and containing such information as the Secretary may require, including—

(1) an assessment of the need of the community or consortium for access, or improved access, to the national air transportation system; and

(2) an analysis of the application of the criteria in subsection (c) to that community or consortium.

(c) **CRITERIA FOR PARTICIPATION.**—In selecting communities, or consortia of communities, for participation in the program established under subsection (a), the Secretary shall apply the following criteria:

(1) **SIZE.**—On the date of submission of the relevant application under subsection (b), the airport serving the community or consortium—

- (A) is not larger than a small hub airport, as determined using the Department of Transportation's most recently published classification; and
- (B) has—
- (i) insufficient air carrier service; or
 - (ii) unreasonably high air fares.
- (2) CHARACTERISTICS.—The airport presents characteristics, such as geographic diversity or unique circumstances, that will demonstrate the need for, and feasibility of, the program established under subsection (a).
- (3) STATE LIMIT.—Not more than 4 communities or consortia of communities, or a combination thereof, from the same State may be selected to participate in the program in any fiscal year.
- (4) OVERALL LIMIT.—
- (A) IN GENERAL.—No more than 40 communities or consortia of communities, or a combination thereof, may be selected to participate in the program in each year for which funds are appropriated for the program.
- (B) SAME PROJECTS.—Except as provided in subparagraph (C), no community, consortia of communities, or combination thereof may participate in the program in support of the same project more than once in a **[10-year]** *6-year* period, but any community, consortia of communities, or combination thereof may apply, subsequent to such participation, to participate in the program in support of a different project at any time.
- (C) EXCEPTION.—The Secretary may waive the limitation under subparagraph (B) related to projects that are the same if the Secretary determines that the community or consortium spent little or no money on its previous project or encountered industry or environmental challenges, due to circumstances that were reasonably beyond the control of the community or consortium.
- (5) PRIORITIES.—The Secretary shall give priority to communities or consortia of communities where—
- (A) air fares are higher than the average air fares for all communities;
 - (B) *the community has demonstrated support from at least 1 air carrier to provide service;*
 - [(B)]** (C) the community or consortium will provide a portion of the cost of the activity to be assisted under the program from local sources other than airport revenues;
 - [(C)]** (D) the community or consortium has established, or will establish, a public-private partnership to facilitate air carrier service to the public;
 - [(D)]** (E) the assistance will provide material benefits to a broad segment of the travelling public, including business, educational institutions, and other enterprises, whose access to the national air transportation system is limited;
 - [(E)]** (F) the assistance will be used to help restore scheduled passenger air service that has been terminated;
 - [(F)]** (G) the assistance will be used in a timely fashion;
- and

- [(G)] (H) multiple communities cooperate to submit a regional or multistate application to consolidate air service into one regional airport.
- (d) TYPES OF ASSISTANCE.—The Secretary may use amounts made available under this section—
- (1) to provide assistance to an air carrier to subsidize service to and from an underserved airport for a period not to exceed 3 years;
 - (2) to provide assistance to an underserved airport to obtain service to and from the underserved airport; and
 - (3) to provide assistance to an underserved airport to implement such other measures as the Secretary, in consultation with such airport, considers appropriate to improve air service both in terms of the cost of such service to consumers and the availability of such service, including improving air service through marketing and promotion of air service and enhanced utilization of airport facilities.
- (e) AUTHORITY TO MAKE AGREEMENTS.—
- (1) IN GENERAL.—The Secretary may make agreements to provide assistance under this section. The Secretary may amend the scope of a grant agreement at the request of the community or consortium and any participating air carrier, and may limit the scope of a grant agreement to only the elements using grant assistance or to only the elements achieved, if the Secretary determines that the amendment is reasonably consistent with the original purpose of the project.
 - (2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$10,000,000 for each of fiscal years 2018 through [2023] 2028 to carry out this section. Such sums shall remain available until expended.
- (f) ADDITIONAL ACTION.—Under the program established under subsection (a), the Secretary shall work with air carriers providing service to participating communities and major air carriers (as defined in section 41716(a)(2)) serving large hub airports to facilitate joint-fare arrangements consistent with normal industry practice.
- (g) DESIGNATION OF RESPONSIBLE OFFICIAL.—The Secretary shall designate an employee of the Department of Transportation—
- (1) to function as a facilitator between small communities and air carriers;
 - (2) to carry out this section;
 - (3) to ensure that the Bureau of Transportation Statistics collects data on passenger information to assess the service needs of small communities;
 - (4) to work with and coordinate efforts with other Federal, State, and local agencies to increase the viability of service to small communities and the creation of aviation development zones; and
 - (5) to provide policy recommendations to the Secretary and Congress that will ensure that small communities have access to quality, affordable air transportation services.
- (h) AIR SERVICE DEVELOPMENT ZONE.—The Secretary shall designate an airport in the program as an Air Service Development Zone and work with the community or consortium on means to attract business to the area surrounding the airport, to develop land

use options for the area, and provide data, working with the Department of Commerce and other agencies.

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CHAPTER 421—LABOR-MANAGEMENT PROVISIONS

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SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

§ 42121. Protection of employees providing air safety information

(a) PROHIBITED DISCRIMINATION.—A holder of a certificate under section 44704 or 44705 of this title, or a contractor, subcontractor, or supplier of such holder, may not discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

(1) provided, caused to be provided, or is about to provide (with any knowledge of the employer) or cause to be provided to the employer or Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to aviation safety under this subtitle or any other law of the United States;

(2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to aviation safety under this subtitle or any other law of the United States;

(3) testified or is about to testify in such a proceeding; or

(4) assisted or participated or is about to assist or participate in such a proceeding.

(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

(1) FILING AND NOTIFICATION.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 90 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify, in writing, the person named in the complaint and the Administrator of the Federal Aviation Administration of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

(2) INVESTIGATION; PRELIMINARY ORDER.—

(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written re-

sponse to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary of Labor concludes that there is a reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

(B) REQUIREMENTS.—

(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

(3) FINAL ORDER.—

(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary of

Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person who committed such violation to—

- (i) take affirmative action to abate the violation;
- (ii) reinstate the complainant to his or her former position together with the compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and
- (iii) provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

(C) FRIVOLOUS COMPLAINTS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney's fee not exceeding \$1,000.

(4) REVIEW.—

(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary of Labor. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

[(5) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In ac-

tions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.】

(5) ENFORCEMENT OF ORDER.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor and the Administrator of the Federal Aviation Administration shall consult with each other to determine the most appropriate action to be taken, in which—

(A) the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order, for which, in actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, injunctive relief and compensatory damages; and

(B) the Administrator of the Federal Aviation Administration may assess a civil penalty pursuant to section 46301.

(6) ENFORCEMENT OF ORDER BY PARTIES.—

(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award is appropriate.

(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of a holder of a certificate issued under section 44704 or 44705, or a contractor or subcontractor thereof, who, acting without direction from such certificate-holder, contractor, or subcontractor (or such person’s agent), deliberately causes a violation of any requirement relating to aviation safety under this subtitle or any other law of the United States.

(e) CONTRACTOR DEFINED.—In this section, the term “contractor” means—

(1) a person that performs safety-sensitive functions by contract for an air carrier or commercial operator; or

(2) a person that performs safety-sensitive functions related to the design or production of an aircraft, aircraft engine, propeller, appliance, or component thereof by contract for a holder of a certificate issued under section 44704.

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CHAPTER 423—PASSENGER AIR SERVICE IMPROVEMENTS

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【§ 42302. Consumer complaints

【(a) IN GENERAL.—The Secretary of Transportation shall establish a consumer complaints toll-free hotline telephone number for the use of passengers in air transportation (including transportation by air ambulance (as defined by the Secretary of Transportation)) and shall take actions to notify the public of—

【(1) that telephone number; and

【(2) the Internet Web site of the Aviation Consumer Protection Division of the Department of Transportation.

【(b) NOTICE TO PASSENGERS ON THE INTERNET.—An air carrier or foreign air carrier providing scheduled air transportation using any aircraft that as originally designed has a passenger capacity of 30 or more passenger seats shall include on the Internet Web site of the carrier—

【(1) the hotline telephone number established under subsection (a);

【(2) the e-mail address, telephone number, and mailing address of the air carrier for the submission of complaints by passengers about air travel service problems; and

【(3) the Internet Web site and mailing address of the Aviation Consumer Protection Division of the Department of Transportation for the submission of complaints by passengers about air travel service problems.

【(c) NOTICE TO PASSENGERS ON BOARDING DOCUMENTATION.—Each air carrier and foreign air carrier shall include the hotline telephone number established under subsection (a) on—

【(1) prominently displayed signs of the carrier at the airport ticket counters in the United States where the carrier operates; and

【(2) any electronic confirmation of the purchase of a passenger ticket for air transportation issued by the carrier.

【(d) USE OF NEW TECHNOLOGIES.—The Secretary shall periodically evaluate the benefits of using mobile phone applications or other widely used technologies to provide new means for air passengers to communicate complaints in addition to the telephone number established under subsection (a) and shall provide such new means as the Secretary determines appropriate.

【(e) AIR AMBULANCE PROVIDERS.—Each air ambulance provider shall include the hotline telephone number, link to the Internet website established under subsection (a), and contact information for the Aviation Consumer Advocate established under section 425 on—

【(1) any invoice, bill, or other communication provided to a passenger or customer of the provider; and

【(2) its Internet Web site, and any related mobile device application.】

§ 42302. Consumer complaints

(a) IN GENERAL.—The Secretary of Transportation shall—

(1) maintain an accessible website through the Office of Aviation Consumer Protection to accept the submission of complaints from airline passengers regarding air travel service problems; and

(2) take appropriate actions to notify the public of such accessible website.

(b) *NOTICE TO PASSENGERS ON THE INTERNET.*—An air carrier or foreign air carrier providing scheduled air transportation using any aircraft that as originally designed has a passenger capacity of 30 or more passenger seats shall include on the accessible website of the carrier—

(1) the accessible website, e-mail address, or telephone number of the air carrier for the submission of complaints by passengers about air travel service problems; and

(2) the accessible website maintained pursuant to subsection (a).

(c) *USE OF ADDITIONAL OR ALTERNATIVE TECHNOLOGIES.*—The Secretary shall periodically evaluate the benefits of using mobile phone applications or other widely used technologies to—

(1) provide additional or alternative means for air passengers to submit complaints; and

(2) provide such additional or alternative means as the Secretary determines appropriate.

(d) *AIR AMBULANCE PROVIDERS.*—Each air ambulance provider shall include the accessible website, or a link to such accessible website, maintained pursuant to subsection (a) and the contact information for the Aviation Consumer Advocate established by section 424 of the FAA Reauthorization Act of 2018 (49 U.S.C. 42302 note) on—

(1) any invoice, bill, or other communication provided to a passenger or customer of such provider; and

(2) the accessible website and any related mobile device application of such provider.

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SUBPART iii—SAFETY

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CHAPTER 441—REGISTRATION AND RECORDATION OF AIRCRAFT

Sec.

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44114. *Privacy.*

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§ 44103. Registration of aircraft

(a) *GENERAL.*—(1) On application of the owner of an aircraft that meets the requirements of section 44102 of this title, the Administrator of the Federal Aviation Administration shall—

(A) register the aircraft; and

(B) issue a certificate of registration to its owner.

(2) The Administrator may prescribe the extent to which an aircraft owned by the holder of a dealer’s certificate of registration issued under section 44104(2) of this title also is registered under this section.

(b) *CONTROLLED SUBSTANCE VIOLATIONS.*—(1) The Administrator may not issue an owner’s certificate of registration under subsection (a)(1) of this section to a person whose certificate is revoked

under section 44106 of this title during the 5-year period beginning on the date of the revocation, except—

(A) as provided in section 44106(e)(2) of this title; or

(B) that the Administrator may issue the certificate to the person after the one-year period beginning on the date of the revocation if the Administrator decides that the aircraft otherwise meets the requirements of section 44102 of this title and that denial of a certificate for the 5-year period—

(i) would be excessive considering the nature of the offense or the act committed and the burden the denial places on the person; or

(ii) would not be in the public interest.

(2) A decision of the Administrator under paragraph (1)(B)(i) or (ii) of this subsection is within the discretion of the Administrator. That decision or failure to make a decision is not subject to administrative or judicial review.

(c) CERTIFICATES AS EVIDENCE.—A certificate of registration issued under this section is—

(1) conclusive evidence of the nationality of an aircraft for international purposes, but not conclusive evidence in a proceeding under the laws of the United States; and

(2) not evidence of ownership of an aircraft in a proceeding in which ownership is or may be in issue.

(d) CERTIFICATES AVAILABLE FOR INSPECTION.—An operator of an aircraft shall make available for inspection a certificate of registration for the aircraft when requested by a United States Government, State, or local law enforcement officer.

(e) PROHIBITION ON N-NUMBER PROFITEERING.—

(1) IN GENERAL.—No person may reserve an aircraft registration number without certifying that such person intends to use such registration number—

(A) immediately on a specific aircraft; or

(B) for future use on an aircraft owned or controlled, or intended to be owned or controlled, by such person.

(2) TRANSFERS.—A person may transfer a reserved aircraft registration number to another person if—

(A) the transferor certifies that the aircraft registration number is relinquished willingly and at a cost to the transferee that does not otherwise exceed the amount paid by the transferor to reserve such number; and

(B) the transferee—

(i) certifies that the transferor did not impose a dollar cost on the transfer that exceeds the amount provided for in subparagraph (A); and

(ii) complies with the certification requirement under paragraph (1).

(f) VALIDITY OF AIRCRAFT REGISTRATION DURING RENEWAL.—

(1) IN GENERAL.—An aircraft may be operated on or after the expiration date found on the certificate of registration issued for such aircraft under this section as if it were not expired if the operator of such aircraft has aboard the aircraft—

(A) documentation validating that—

(i) an aircraft registration renewal application form (AC Form 8050-1B, or a succeeding form) has been

submitted to the Administrator for such aircraft but not yet approved or denied; and

(ii) such aircraft is compliant with maintenance, inspections, and any other requirements for the aircraft's airworthiness certificate issued under section 44704(d); and

(B) the most recent aircraft registration.

(2) *PROOF OF PENDING RENEWAL APPLICATION.*—The Administrator shall provide an applicant for renewal of registration under this section with documentation described in paragraph (1)(A). Such documentation shall—

(A) be made electronically available to the applicant immediately upon submitting an aircraft registration renewal application to the Civil Aviation Registry for an aircraft;

(B) notify the applicant of the operational allowance described in paragraph (1);

(C) deem an aircraft's airworthiness certificate issued under section 44704(d) as valid provided that the applicant confirms acknowledgment of the requirements of paragraph (1)(A)(ii);

(D) confirm the applicant acknowledged the limitations described in paragraph (3)(A) and (3)(B); and

(E) include identifying information pertaining to such aircraft and to the registered owner.

(3) *RULE OF CONSTRUCTION.*—Nothing in this subsection shall be construed to permit any person to operate an aircraft—

(A) with an expired registration, except as specifically provided for under this subsection; or

(B) if the Administrator has denied an application to renew the registration of such aircraft.

* * * * *

§44114. Privacy

(a) *IN GENERAL.*—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration shall establish and continuously improve a process by which, upon request of a private aircraft owner or operator, the Administrator blocks the registration number and other similar identifiable data or information, except for physical markings required by law, of the aircraft of the owner or operator from any public dissemination or display (except in furnished data or information made available to or from a Government agency pursuant to a government contract, subcontract, or agreement) for the noncommercial flights of the owner or operator.

(b) *WITHHOLDING PERSONALLY IDENTIFIABLE INFORMATION ON AIRCRAFT REGISTRY.*—Not later than 1 year after the date of enactment of this section and notwithstanding any other provision of law, the Administrator shall establish a procedure by which, upon request of a private aircraft owner or operator, the Administrator shall withhold from public disclosure (except in furnished data or information made available to or from a Government agency pursuant to a government contract, subcontract, or agreement) the personally identifiable information of such individual on the Civil Aviation Registry website.

(c) *ICAO AIRCRAFT IDENTIFICATION CODE.*—

(1) *IN GENERAL.*—The Administrator shall establish a program for aircraft owners and operators to apply for a new ICAO aircraft identification code.

(2) *LIMITATIONS.*—In carrying out the program described in paragraph (1), the Administrator shall require—

(A) each applicant to substantiate the safety or security need in applying for a new ICAO aircraft identification code; and

(B) each approved applicant who obtains a new ICAO aircraft identification code to comply with all applicable aspects of, or related to, part 45 of title 14, Code of Federal Regulations, including updating an aircraft's registration number and N-Number to reflect such aircraft's new ICAO aircraft identification code.

(d) *DECOUPLING MODE S CODES.*—The Administrator shall develop a plan for which the Administrator could allow for a process to disassociate an assigned Mode S code with the number assigned to an aircraft that is registered pursuant to section 44103.

(e) *DEFINITIONS.*—In this section:

(1) *ADS-B.*—The term “ADS-B” means automatic dependent surveillance-broadcast.

(2) *ICAO.*—The term “ICAO” means the International Civil Aviation Organization.

(3) *PERSONALLY IDENTIFIABLE INFORMATION.*—The term “personally identifiable information” means—

(A) the mailing address or registration address of an individual;

(B) an electronic address (including an e-mail address) of an individual; or

(C) the telephone number of an individual.

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CHAPTER 445—FACILITIES, PERSONNEL, AND RESEARCH

Sec.

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[44510. Airway science curriculum grants.]

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[44515. Advanced training facilities for maintenance technicians for air carrier aircraft.]

§ 44501. Plans and policy

(a) *LONG RANGE PLANS AND POLICY REQUIREMENTS.*—The Administrator of the Federal Aviation Administration shall make long range plans and policy for the orderly development and use of the navigable airspace, and the orderly **[development and location of air navigation facilities]** *development of air navigation facilities and services*, that will best meet the needs of, and serve the interests of, civil aeronautics and the national defense, except for needs of the armed forces that are peculiar to air warfare and primarily of military concern.

(b) *AIRWAY CAPITAL INVESTMENT PLAN.*—The Administrator of the Federal Aviation Administration shall review, revise, and publish a national airways system plan, known as the Airway Capital

Investment Plan, before the beginning of each fiscal year. The plan shall set forth—

(1) for a 10-year period, the research, engineering, **[and development]** *procurement, and development* programs and the **[facilities and equipment]** *facilities, services, and equipment* that the Administrator considers necessary for a system of airways, air traffic services, and navigation aids that will—

(A) meet the forecasted needs of civil aeronautics;

(B) meet the requirements that the Secretary of Defense establishes for the support of the national defense; and

(C) provide the highest degree of safety in air commerce;

(2) for the **[first and 2d years]** *first and second years* of the plan, detailed annual estimates of—

(A) the number, type, location, and cost of acquiring, operating, and maintaining required facilities and services;

(B) the cost of research, engineering, **[and development]** *procurement, and development* required to improve safety, system capacity, and efficiency; and

(C) personnel levels required for the activities described in **[subclauses (A) and (B) of this clause]** *subparagraphs (A) and (B)*;

(3) for **[the 3d, 4th, and 5th]** *the third, fourth, and fifth* years of the plan, estimates of the total cost of each major program for the 3-year period, and additional major research programs, acquisition of **[systems and facilities]** *systems, services, and facilities*, and changes in personnel levels that may be required to meet long range objectives and that may have significant impact on future funding requirements;

(4) a 10-year investment plan that considers long range objectives that the Administrator considers necessary to—

(A) ensure that safety is given the highest priority in providing for a safe and efficient airway system; and

(B) meet the current and projected **[growth of aviation]** *growth of the aerospace industry* and the requirements of interstate commerce, the United States Postal Service, and the national defense; and

(5) a list of capital projects that are part of the Next Generation Air Transportation System and funded by amounts appropriated under section 48101(a).

(c) NATIONAL AVIATION RESEARCH PLAN.—(1) The Administrator of the Federal Aviation Administration shall prepare and publish annually a national aviation research plan and submit the plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives. The plan shall be submitted not later than the date of submission of the President's budget to Congress.

(2)(A) The plan shall describe, for a 5-year period, the research, engineering, and development that the Administrator of the Federal Aviation Administration considers necessary—

(i) to ensure the continued capacity, safety, and efficiency of aviation in the United States, considering emerging technologies and forecasted needs of civil aeronautics; and

(ii) to provide the highest degree of safety in air travel.

(B) The plan shall—

(i) provide estimates by year of the schedule, cost, and work force levels for each active and planned major research and development project under sections **[40119,]** 44504, 44505, 44507, 44509, 44511–44513, and 44912 of this title, including activities carried out under cooperative agreements with other Federal departments and agencies;

(ii) specify the goals and the priorities for allocation of resources among the major categories of research and development activities, including the rationale for the priorities identified;

(iii) identify the allocation of resources among long-term research, near-term research, and development activities;

(iv) identify the individual research and development projects in each funding category that are described in the annual budget request;

(v) highlight the research and development activities that address specific recommendations of the research advisory committee established under section 44508 of this title, and document the recommendations of the committee that are not accepted, specifying the reasons for nonacceptance; and

(vi) highlight the research and development technology transfer activities that promote technology sharing among government, industry, and academia through the Stevenson-Wydler Technology Innovation Act of 1980.

(3) **[Subject to section 40119(b) of this title and regulations prescribed under section 40119(b),]** *Subject to section 44912(d)(2) and regulations prescribed under such section,* the Administrator of the Federal Aviation Administration shall submit to the committees named in paragraph (1) of this subsection an annual report on the accomplishments of the research completed during the prior fiscal year, including a description of the dissemination to the private sector of research results and a description of any new technologies developed. The report shall be submitted with the plan required under paragraph (1) and be organized to allow comparison with the plan in effect for the prior fiscal year. The report shall be prepared in accordance with requirements of section 1116 of title 31.

§ 44502. General facilities and personnel authority

(a) GENERAL AUTHORITY.—(1) The Administrator of the Federal Aviation Administration may—

(A) acquire, establish, improve, operate, and maintain air navigation facilities; and

(B) provide facilities and personnel to regulate and protect air traffic.

(2) The cost of site preparation work associated with acquiring, establishing, or improving an air navigation facility under paragraph (1)(A) of this subsection shall be charged to amounts available for that purpose appropriated under section 48101(a) of this title. The Secretary of Transportation may make an agreement with an airport owner or sponsor (as defined in section 47102 of this title) so that the owner or sponsor will provide the work and be paid or reimbursed by the Secretary from the appropriated amounts.

(3) The Secretary of Transportation may authorize a department, agency, or instrumentality of the United States Government to

carry out any duty or power under this subsection with the consent of the head of the department, agency, or instrumentality.

(4) PURCHASE OF INSTRUMENT LANDING SYSTEM.—

(A) ESTABLISHMENT OF PROGRAM.—The Secretary shall purchase precision approach instrument landing system equipment for installation at airports on an expedited basis.

(B) AUTHORIZATION.—No less than \$30,000,000 of the amounts appropriated under section 48101(a) for each of fiscal years 2000 through 2002 shall be used for the purpose of carrying out this paragraph, including acquisition under new or existing contracts, site preparation work, installation, and related expenditures.

(5) IMPROVEMENTS ON LEASED PROPERTIES.—The Administrator may make improvements to real property leased for no or nominal consideration for an air navigation facility, regardless of whether the cost of making the improvements exceeds the cost of leasing the real property, if—

(A) the improvements primarily benefit the Government;

(B) the improvements are essential for accomplishment of the mission of the Federal Aviation Administration; and

(C) the interest of the United States Government in the improvements is protected.

(b) CERTIFICATION OF NECESSITY.—Except for Government money expended under this part or for a military purpose, Government money may be expended to acquire, establish, construct, operate, repair, alter, or maintain an air navigation facility only if the Administrator of the Federal Aviation Administration certifies in writing that the facility is reasonably necessary for use in air commerce or for the national defense. An interested person may apply for a certificate for a facility to be acquired, established, constructed, operated, repaired, altered, or maintained by or for the person.

(c) ENSURING CONFORMITY WITH PLANS AND POLICIES.—(1) To ensure conformity with plans and policies for, and allocation of, airspace by the Administrator of the Federal Aviation Administration under section 40103(b)(1) of this title, a military airport, military landing area, or missile or rocket site may be acquired, established, or constructed, or a runway may be altered substantially, only if the Administrator of the Federal Aviation Administration is given reasonable prior notice so that the Administrator of the Federal Aviation Administration may advise the appropriate committees of Congress and interested departments, agencies, and instrumentalities of the Government on the effect of the acquisition, establishment, construction, or alteration on the use of airspace by aircraft. A disagreement between the Administrator of the Federal Aviation Administration and the Secretary of Defense or the Administrator of the National Aeronautics and Space Administration may be appealed to the President for a final decision.

(2) To ensure conformity, an airport or landing area not involving the expenditure of Government money may be established or constructed, or a runway may be altered substantially, only if the Administrator of the Federal Aviation Administration is given reasonable prior notice so that the Administrator may provide advice on the effects of the establishment, construction, or alteration on the use of airspace by aircraft.

(d) PUBLIC USE AND EMERGENCY ASSISTANCE.—(1) The head of a department, agency, or instrumentality of the Government having jurisdiction over an air navigation facility owned or operated by the Government may provide, under regulations the head of the department, agency, or instrumentality prescribes, for public use of the facility.

(2) The head of a department, agency, or instrumentality of the Government having jurisdiction over an airport or emergency landing field owned or operated by the Government may provide, under regulations the head of the department, agency, or instrumentality prescribes, for assistance, and the sale of fuel, oil, equipment, and supplies, to an aircraft, but only when necessary, because of an emergency, to allow the aircraft to continue to the nearest airport operated by private enterprise. The head of the department, agency, or instrumentality shall provide for the assistance and sale at the prevailing local fair market value as determined by the head of the department, agency, or instrumentality. An amount that the head decides is equal to the cost of the assistance provided and the fuel, oil, equipment, and supplies sold shall be credited to the appropriation from which the cost was paid. The balance shall be credited to miscellaneous receipts.

(e) TRANSFERS OF AIR TRAFFIC SYSTEMS.—

(1) IN GENERAL.—An airport *in a noncontiguous State* may transfer, without consideration, to the Administrator of the Federal Aviation Administration, an eligible air traffic system or equipment that conforms to performance specifications of the Administrator if a Government airport aid program, airport development aid program, or airport improvement project grant was used to assist in purchasing the system or equipment.

(2) ACCEPTANCE.—The Administrator shall accept the eligible air traffic system or equipment and operate and maintain it under criteria of the Administrator.

(3) DEFINITION.—In this subsection, the term “eligible air traffic system or equipment” means—

(A) an instrument landing system consisting of a glide slope and localizer (if the Administrator has determined that a satellite navigation system cannot provide a suitable approach to an airport);

(B) an Automated Weather Observing System weather observation system; **[or]**

(C) a Remote Communication Air/Ground and Remote Communication Outlet communications facility**[.]**; or

(D) a *Medium Intensity Approach Lighting System with Runway Alignment Indicator Lights*.

(4) EXCEPTION.—*The requirement under paragraph (1) that an eligible air traffic system or equipment be purchased in part using a Government airport aid program, airport development aid program, or airport improvement project grant shall not apply if the system or equipment is installed at an airport that is categorized as a basic or local general aviation airport under the most recently published national plan of integrated airport systems under section 47103.*

(f) AIRPORT SPACE.—

(1) RESTRICTION.—The Administrator may not require an airport owner or sponsor (as defined in section 47102) to provide to the Federal Aviation Administration without cost any of the following:

(A) Building construction, maintenance, utilities, or expenses for services relating to air traffic control, air navigation, or weather reporting.

(B) Space in a facility owned by the airport owner or sponsor for services relating to air traffic control, air navigation, or weather reporting.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect—

(A) any agreement the Secretary may have or make with an airport owner or sponsor for the airport owner or sponsor to provide any of the items described in paragraph (1)(A) or (1)(B) at below-market rates; or

(B) any grant assurance that requires an airport owner or sponsor to provide land to the Administration without cost for an air traffic control facility.

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§ 44505. Systems, procedures, facilities, and devices

(a) GENERAL REQUIREMENTS.—(1) The Administrator of the Federal Aviation Administration shall—

(A) **develop, alter** *develop when necessary, alter*, test, and evaluate systems, procedures, facilities, **and devices** *services, and devices*, and define their performance characteristics, to meet the needs for safe and efficient navigation and traffic control of civil and military aviation, except for needs of the armed forces that are peculiar to air warfare and primarily of military concern; and

(B) select systems, procedures, facilities, **and devices** *services, and devices* that will best serve those needs and promote maximum coordination of air traffic control and air defense systems.

(2) The Administrator may make contracts to carry out this subsection without regard to section 3324(a) and (b) of title 31.

(3) When a substantial question exists under paragraph (1) of this subsection about whether a matter is of primary concern to the armed forces, the Administrator shall decide whether the Administrator or the Secretary of the appropriate military department has responsibility. The Administrator shall be given technical information related to each research and development project of the armed forces that potentially applies to, or potentially conflicts with, the common system to ensure that potential application to the common system is considered properly and that potential conflicts with the system are eliminated.

(b) RESEARCH ON HUMAN FACTORS AND SIMULATION MODELS.—The Administrator shall conduct or supervise research—

(1) to develop a better understanding of the relationship between human factors and aviation accidents and between human factors and air safety;

(2) to enhance air traffic controller, mechanic, and flight crew performance;

(3) to develop a human-factor analysis of the hazards associated with new technologies to be used by air traffic controllers, mechanics, and flight crews;

(4) to identify innovative and effective corrective measures for human errors that adversely affect air safety;

(5) to **develop dynamic simulation models** *develop or procure dynamic simulation models and tools* of the air traffic control system and airport design and operating procedures that will provide analytical technology—

(A) to predict airport and air traffic control safety and capacity problems;

(B) to evaluate planned research projects; and

(C) to test proposed revisions in airport and air traffic control operations programs;

(6) to develop a better understanding of the relationship between human factors and unmanned aircraft system safety; and

(7) to **develop dynamic simulation models** *develop or procure dynamic simulation models and tools* for integrating all classes of unmanned aircraft systems into the national airspace system without any degradation of existing levels of safety for all national airspace system users.

(c) RESEARCH ON DEVELOPING AND MAINTAINING A SAFE AND EFFICIENT SYSTEM.—The Administrator shall conduct or supervise research on—

(1) airspace and airport planning and design;

(2) airport capacity enhancement techniques;

(3) human performance in the air transportation environment;

(4) aviation safety and security;

(5) the supply of trained air transportation personnel, including pilots and mechanics; and

(6) other aviation issues related to developing and maintaining a safe and efficient air transportation system.

(d) RESEARCH ON DESIGN FOR CERTIFICATION.—

(1) RESEARCH.—Not later than 1 year after the date of enactment of the FAA Modernization and Reform Act of 2012, the Administrator shall conduct research on methods and procedures to improve both confidence in and the timeliness of certification of new technologies for their introduction into the national airspace system.

(2) RESEARCH PLAN.—Not later than 6 months after the date of enactment of the FAA Modernization and Reform Act of 2012, the Administrator shall develop a plan for the research under paragraph (1) that contains objectives, proposed tasks, milestones, and a 5-year budgetary profile.

(3) REVIEW.—The Administrator shall enter into an arrangement with the National Research Council to conduct an independent review of the plan developed under paragraph (2) and shall provide the results of that review to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of the FAA Modernization and Reform Act of 2012.

(e) COOPERATIVE AGREEMENTS.—The Administrator may enter into cooperative agreements on a cost-shared basis with Federal and non-Federal entities that the Administrator may select in order to conduct, encourage, and promote aviation research, engineering, and development, including the development of prototypes and demonstration models.

§ 44506. Air traffic controllers

(a) RESEARCH ON EFFECT OF AUTOMATION ON PERFORMANCE.—To develop the means necessary to establish appropriate selection criteria and training methodologies for the next generation of air traffic controllers, the Administrator of the Federal Aviation Administration shall conduct research to study the effect of automation on the performance of the next generation of air traffic controllers and the air traffic control system. The research shall include investigating—

(1) methods for improving and accelerating future air traffic controller training through the application of advanced training techniques, including the use of simulation technology;

(2) the role of automation in the air traffic control system and its physical and psychological effects on air traffic controllers;

(3) the attributes and aptitudes needed to function well in a highly automated air traffic control system and the development of appropriate testing methods for identifying individuals with those attributes and aptitudes;

(4) innovative methods for training potential air traffic controllers to enhance the benefits of automation and maximize the effectiveness of the air traffic control system; and

(5) new technologies and procedures for exploiting automated communication systems, including Mode S Transponders, to improve information transfers between air traffic controllers and aircraft pilots.

(b) RESEARCH ON HUMAN FACTOR ASPECTS OF AUTOMATION.—The Administrators of the Federal Aviation Administration and National Aeronautics and Space Administration may make an agreement for the use of the National Aeronautics and Space Administration's unique human factor facilities and expertise in conducting research activities to study the human factor aspects of the highly automated environment for the next generation of air traffic controllers. The research activities shall include investigating—

(1) human perceptual capabilities and the effect of computer-aided decision making on the workload and performance of air traffic controllers;

(2) information management techniques for advanced air traffic control display systems; and

(3) air traffic controller workload and performance measures, including the development of predictive models.

(c) COLLEGIATE TRAINING INITIATIVE.—(1) The Administrator of the Federal Aviation Administration may maintain the Collegiate Training Initiative program by making new agreements and continuing existing agreements with institutions of higher education (as defined by the Administrator) under which the institutions prepare students for the position of air traffic controller with the Department of Transportation (as defined in section 2109 of title 5).

The Administrator may establish standards for the entry of institutions into the program and for their continued participation.

(2)(A) The Administrator of the Federal Aviation Administration may appoint an individual who has successfully completed a course of training in a program described in paragraph (1) of this subsection to the position of air traffic controller noncompetitively in the excepted service (as defined in section 2103 of title 5). An individual appointed under this paragraph serves at the pleasure of the Administrator, subject to section 7511 of title 5. However, an appointment under this paragraph may be converted from one in the excepted service to a career conditional or career appointment in the competitive civil service (as defined in section 2102 of title 5) when the individual achieves full performance level air traffic controller status, as decided by the Administrator.

(B) The authority under subparagraph (A) of this paragraph to make appointments in the excepted service expires on October 6, 1997, except that the Administrator of the Federal Aviation Administration may extend the authority for one or more successive one-year periods.

(d) AIR TRAFFIC CONTROL SPECIALIST QUALIFICATION TRAINING.—

(1) APPOINTMENT OF AIR TRAFFIC CONTROL SPECIALISTS.—The Administrator is authorized to appoint a qualified air traffic control specialist candidate for placement in an airport traffic control facility if the candidate has—

(A) received a control tower operator certification (referred to in this subsection as a “CTO” certificate); and

(B) satisfied all other applicable qualification requirements for an air traffic control specialist position, including successful completion of orientation training at the Federal Aviation Administration Academy.

(2) COMPENSATION AND BENEFITS.—An individual appointed under paragraph (1) shall receive the same compensation and benefits, and be treated in the same manner as, any other individual appointed as a developmental air traffic controller.

(3) REPORT.—Not later than 2 years after the date of enactment of the FAA Modernization and Reform Act of 2012, the Administrator shall submit to Congress a report that evaluates the effectiveness of the air traffic control specialist qualification training provided pursuant to this section, including the graduation rates of candidates who received a CTO certificate and are working in airport traffic control facilities.

(4) ADDITIONAL APPOINTMENTS.—If the Administrator determines that air traffic control specialists appointed pursuant to this subsection are more successful in carrying out the duties of an air traffic controller than air traffic control specialists hired from the general public without any such certification, the Administrator shall increase, to the maximum extent practicable, the number of appointments of candidates who possess such certification.

(5) REIMBURSEMENT FOR TRAVEL EXPENSES ASSOCIATED WITH CERTIFICATIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Administrator may accept reimbursement from an educational entity that provides training to an air traffic control specialist candidate to cover reasonable travel ex-

penses of the Administrator associated with issuing certifications to such candidates.

(B) TREATMENT OF REIMBURSEMENTS.—Notwithstanding section 3302 of title 31, any reimbursement authorized to be collected under subparagraph (A) shall—

(i) be credited as offsetting collections to the account that finances the activities and services for which the reimbursement is accepted;

(ii) be available for expenditure only to pay the costs of activities and services for which the reimbursement is accepted, including all costs associated with collecting such reimbursement; and

(iii) remain available until expended.

(e) STAFFING REPORT.—The [Administrator of the Federal Aviation Administration] *Chief Operating Officer of the Air Traffic Organization of the Federal Aviation Administration* shall submit annually to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

(1) the staffing standards used to determine the number of air traffic controllers needed to operate the air traffic control system of the United States;

(2) a 3-year projection of the number of controllers needed to be employed to operate the system to meet the standards; and

(3) a detailed plan for employing the controllers, including projected budget requests.

(f) HIRING OF CERTAIN AIR TRAFFIC CONTROL SPECIALISTS.—

(1) CONSIDERATION OF APPLICANTS.—

(A) ENSURING SELECTION OF MOST QUALIFIED APPLICANTS.—In appointing individuals to the position of air traffic controller, the Administrator shall give preferential consideration to qualified individuals maintaining 52 consecutive weeks of air traffic control experience involving the full-time active separation of air traffic after receipt of an air traffic certification or air traffic control facility rating within 5 years of application while serving at—

(i) a Federal Aviation Administration air traffic control facility;

(ii) a civilian or military air traffic control facility of the Department of Defense (including a facility of the National Guard); or

(iii) a tower operating under contract with the Federal Aviation Administration under section 47124.

(B) CONSIDERATION OF ADDITIONAL APPLICANTS.—

(i) IN GENERAL.—After giving preferential consideration to applicants under subparagraph (A), the Administrator shall consider additional applicants for the position of air traffic controller by giving further preferential consideration, within each qualification category based upon pre-employment testing results (including application of veterans' preference as required under section 40122(g)(2)(B)), to pool 1 applicants described in clause (ii) before pool 2 applicants described in clause (iii).

(ii) POOL 1.—Pool 1 applicants are individuals who—

(I) have successfully completed air traffic controller training and graduated from an institution participating in the Collegiate Training Initiative program maintained under subsection (c)(1) and who have received from the institution—

(aa) an appropriate recommendation; or

(bb) an endorsement certifying that the individual would have met the requirements in effect as of December 31, 2013, for an appropriate recommendation;

(II) are eligible for a veterans recruitment appointment pursuant to section 4214 of title 38 and provide a Certificate of Release or Discharge from Active Duty within 120 days of the announcement closing;

(III) are eligible veterans (as defined in section 4211 of title 38) maintaining aviation experience obtained in the course of the individual's military experience; or

(IV) are preference eligible veterans (as defined in section 2108 of title 5).

(iii) POOL 2.—Pool 2 applicants are individuals who apply under a vacancy announcement recruiting from all United States citizens.

(C) SPECIAL RULE.—

(i) IN GENERAL.—Notwithstanding subparagraph (B), after giving preferential consideration to applicants under subparagraph (A) and if, after consulting with the labor organization recognized as the exclusive representative of air traffic controllers under section 7111 of title 5, the Administrator determines there are unique circumstances affecting a covered facility that warrant a vacancy announcement with a limited area of consideration, the Administrator may consider applicants for the position of air traffic controller who apply under a vacancy announcement recruiting from the local commuting area for that covered facility.

(ii) BIOGRAPHICAL ASSESSMENTS.—The Administrator shall not use any biographical assessment with respect to an applicant under this subparagraph who would otherwise qualify as a Pool 1 applicant under subparagraph (B)(ii).

(iii) COVERED FACILITY DEFINED.—In this subparagraph the term “covered facility” means a radar facility with at least 1,000,000 operations annually that is located in a metropolitan statistical area (as defined by the Office of Management and Budget) with a population estimate by the Bureau of the Census of more than 15,000,000 (as of July 1, 2016).

(2) USE OF BIOGRAPHICAL ASSESSMENTS.—

(A) BIOGRAPHICAL ASSESSMENTS.—The Administrator shall not use any biographical assessment when hiring under paragraph (1)(A) or **[paragraph (1)(B)(ii)]** *paragraph (1)(B)*.

(B) RECONSIDERATION OF APPLICANTS DISQUALIFIED ON BASIS OF BIOGRAPHICAL ASSESSMENTS.—

(i) IN GENERAL.—If an individual described in paragraph (1)(A) or paragraph (1)(B)(ii), who applied for the position of air traffic controller with the Administration in response to Vacancy Announcement FAA-AMC-14-ALLSRCE-33537 (issued on February 10, 2014), was disqualified from the position as the result of a biographical assessment, the Administrator shall provide the applicant an opportunity to reapply for the position as soon as practicable under the revised hiring practices.

(ii) WAIVER OF AGE RESTRICTION.—The Administrator shall waive any maximum age restriction for the position of air traffic controller with the Administration that would otherwise disqualify an individual from the position if the individual—

(I) is reapplying for the position pursuant to clause (i) on or before December 31, 2017; and

(II) met the maximum age requirement on the date of the individual's previous application for the position during the interim hiring process.

(3) MAXIMUM ENTRY AGE FOR EXPERIENCED CONTROLLERS.—Notwithstanding section 3307 of title 5, except for individuals covered by the program described in paragraph (4), the maximum limit of age for an original appointment to a position as an air traffic controller shall be 35 years of age for those maintaining 52 weeks of air traffic control experience involving the full-time active separation of air traffic after receipt of an air traffic certification or air traffic control facility rating in a civilian or military air traffic control facility.

(4) RETIRED MILITARY CONTROLLERS.—The Administrator may establish a program to provide an original appointment to a position as an air traffic controller for individuals who—

(A) are on terminal leave pending retirement from active duty military service or have retired from active duty military service within 5 years of applying for the appointment; and

(B) have held either an air traffic certification or air traffic control facility rating according to Administration standards within 5 years of applying for the appointment.

§ 44507. Regions and centers

[(a) CIVIL AEROMEDICAL INSTITUTE.—The Civil Aeromedical Institute established] *The Civil Aeromedical Institute established* by section 106(j) of this title may—

(1) conduct civil aeromedical research, including research related to—

(A) the protection and survival of aircraft occupants;

(B) medical accident investigation and airman medical certification;

(C) toxicology and the effects of drugs on human performance;

(D) the impact of disease and disability on human performance;

(E) vision and its relationship to human performance and equipment design;

(F) human factors of flight crews, air traffic controllers, mechanics, inspectors, airway facility technicians, and other individuals involved in operating and maintaining aircraft and air traffic control equipment; and

(G) agency work force optimization, including training, equipment design, reduction of errors, and identification of candidate tasks for automation;

(2) make comments to the Administrator of the Federal Aviation Administration on human factors aspects of proposed air safety regulations;

(3) make comments to the Administrator on human factors aspects of proposed training programs, equipment requirements, standards, and procedures for aviation personnel;

(4) advise, assist, and represent the Federal Aviation Administration in the human factors aspects of joint projects between the Administration and the National Aeronautics and Space Administration, other departments, agencies, and instrumentalities of the United States Government, industry, and governments of foreign countries; and

(5) provide medical consultation services to the Administrator about medical certification of airmen.

[(b) WILLIAM J. HUGHES TECHNICAL CENTER.—The Secretary of Transportation shall define the roles and responsibilities of the William J. Hughes Technical Center in a manner that is consistent with the defined roles and responsibilities of the Civil Aeromedical Institute under subsection (a).]

§ 44508. Research advisory committee

(a) ESTABLISHMENT AND DUTIES.—(1) There is a research advisory committee in the Federal Aviation Administration. The committee shall—

(A) provide advice and recommendations to the Administrator of the Federal Aviation Administration and Congress about needs, objectives, plans, approaches, content, and accomplishments of all aviation research and development activities and programs carried out, including those under sections [40119,] 44504, 44505, 44507, 44511–44513, and 44912 of this title;

(B) assist in ensuring that the research is coordinated with similar research being conducted outside the Administration;

(C) review the operations of the regional centers of air transportation excellence established under section 44513 of this title; and

(D) annually review the allocation made by the Administrator of the amounts authorized by section 48102(a) of this title among the major categories of research and development activities carried out by the Administration and provide advice and recommendations to the Administrator on whether such allocation is appropriate to meet the needs and objectives identified under subparagraph (A).

(2) The Administrator may establish subordinate committees to provide advice on specific areas of research conducted under sec-

tions [40119,] 44504, 44505, 44507, 44511–44513, and 44912 of this title.

(b) MEMBERS, CHAIRMAN, PAY, AND EXPENSES.—(1) The committee is composed of not more than 30 members appointed by the Administrator from among individuals who are not employees of the Administration and who are specially qualified to serve on the committee because of their education, training, or experience. In appointing members of the committee, the Administrator shall ensure that the regional centers of air transportation excellence, universities, corporations, associations, consumers, and other departments, agencies, and instrumentalities of the United States Government are represented.

(2) The Administrator shall designate the chairman of the committee.

(3) A member of the committee serves without pay. However, the Administrator may allow a member, when attending meetings of the committee or a subordinate committee, expenses as authorized under section 5703 of title 5.

(c) SUPPORT STAFF, INFORMATION, AND SERVICES.—The Administrator shall provide support staff for the committee. On request of the committee, the Administrator shall provide information, administrative services, and supplies that the Administrator considers necessary for the committee to carry out its duties and powers.

(d) NONAPPLICATION.—Section 1013 of title 5 does not apply to the committee.

(e) USE AND LIMITATION OF AMOUNTS.—(1) Not more than .1 percent of the amounts made available to conduct research under sections [40119,] 44504, 44505, 44507, 44511–44513, and 44912 of this title may be used by the Administrator to carry out this section.

(2) A limitation on amounts available for obligation by or for the committee does not apply to amounts made available to carry out this section.

(f) WRITTEN REPLY.—

(1) IN GENERAL.—Not later than 60 days after receiving any recommendation from the research advisory committee, the Administrator shall provide a written reply to the research advisory committee that, at a minimum—

(A) clearly states whether the Administrator accepts or rejects the recommendation;

(B) explains the rationale for the Administrator’s decision;

(C) sets forth the timeframe in which the Administrator will implement the recommendation; and

(D) describes the steps the Administrator will take to implement the recommendation.

(2) TRANSPARENCY.—The written reply to the research advisory committee, when transmitted to the research advisory committee, shall be—

(A) made publicly available on the research advisory committee website; and

(B) transmitted to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(3) NATIONAL AVIATION RESEARCH PLAN.—The national aviation research plan required under section 44501(c) shall include a summary of all research advisory committee recommendations and a description of the status of their implementation.

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【§ 44510. Airway science curriculum grants

【(a) GENERAL AUTHORITY.—The Administrator of the Federal Aviation Administration may make competitive grant agreements with institutions of higher education having airway science curricula for the United States Government’s share of the allowable direct costs of the following categories of items to the extent that the items are in support of airway science curricula:

【(1) the construction, purchase, or lease with an option to purchase, of buildings and associated facilities.

【(2) instructional material and equipment.

【(b) COST GUIDELINES.—The Administrator shall establish guidelines to determine the direct costs allowable under a grant to be made under this section. The Government’s share of the allowable cost of a project assisted by a grant under this section may not be more than 65 percent.】

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【§ 44515. Advanced training facilities for maintenance technicians for air carrier aircraft

【(a) GENERAL AUTHORITY.—The Administrator of the Federal Aviation Administration may make grants to not more than 4 vocational technical educational institutions to acquire or construct facilities to be used for the advanced training of maintenance technicians for air carrier aircraft.

【(b) ELIGIBILITY.—The Administrator may make a grant under this section to a vocational technical educational institution only if the institution has a training curriculum that prepares aircraft maintenance technicians who hold airframe and power plant certificates under subpart D of part 65 of title 14, Code of Federal Regulations, to maintain, without direct supervision, air carrier aircraft.

【(c) LIMITATION.—A vocational technical educational institution may not receive more than a total of \$5,000,000 in grants under this section.】

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CHAPTER 447—SAFETY REGULATION

Sec.

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【44733. Inspection of repair stations located outside the United States.】
44733. *Oversight of repair stations located outside the United States.*

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44745. *Don Young Alaska Aviation Safety Initiative.*

44746. *Cockpit recording device.*

44747. *Aircraft dispatching.*

§ 44701. General requirements

(a) PROMOTING SAFETY.—The Administrator of the Federal Aviation Administration shall promote safe flight of civil aircraft in air commerce by prescribing—

(1) minimum standards required in the interest of safety for appliances and for the design, material, construction, quality of work, *cybersecurity*, and performance of aircraft, aircraft engines, and propellers;

(2) regulations and minimum standards in the interest of safety for—

(A) inspecting, servicing, and overhauling aircraft, aircraft engines, propellers, and appliances;

(B) equipment and facilities for, and the timing and manner of, the inspecting, servicing, and overhauling; and

(C) a qualified private person, instead of an officer or employee of the Administration, to examine and report on the inspecting, servicing, and overhauling;

(3) regulations required in the interest of safety for the reserve supply of aircraft, aircraft engines, propellers, appliances, and aircraft fuel and oil, including the reserve supply of fuel and oil carried in flight;

(4) regulations in the interest of safety for the maximum hours or periods of service of airmen and other employees of air carriers; and

(5) regulations and minimum standards for *cybersecurity and other practices, methods, and [procedure] procedures* the Administrator finds necessary for safety in air commerce and national security.

(b) PRESCRIBING MINIMUM SAFETY STANDARDS.—The Administrator may prescribe minimum safety standards for—

(1) an air carrier to whom a certificate is issued under section 44705 of this title; and

(2) operating an airport serving any passenger operation of air carrier aircraft designed for at least 31 passenger seats.

(c) REDUCING AND ELIMINATING ACCIDENTS.—The Administrator shall carry out this chapter in a way that best tends to reduce or eliminate the possibility or recurrence of accidents in air transportation. However, the Administrator is not required to give preference either to air transportation or to other air commerce in carrying out this chapter.

(d) CONSIDERATIONS AND CLASSIFICATION OF REGULATIONS AND STANDARDS.—When prescribing a regulation or standard under subsection (a) or (b) of this section or any of sections 44702–44716 of this title, the Administrator shall—

(1) consider—

(A) the duty of an air carrier to provide service with the highest possible degree of safety in the public interest; and

(B) differences between air transportation and other air commerce; and

(2) classify a regulation or standard appropriate to the differences between air transportation and other air commerce.

(e) BILATERAL EXCHANGES OF SAFETY OVERSIGHT RESPONSIBILITIES.—

(1) IN GENERAL.—Notwithstanding the provisions of this chapter, the Administrator, pursuant to Article 83 bis of the

Convention on International Civil Aviation and by a bilateral agreement with the aeronautical authorities of another country, may exchange with that country all or part of their respective functions and duties with respect to registered aircraft under the following articles of the Convention: Article 12 (Rules of the Air); Article 31 (Certificates of Airworthiness); or Article 32a (Licenses of Personnel).

(2) RELINQUISHMENT AND ACCEPTANCE OF RESPONSIBILITY.—The Administrator relinquishes responsibility with respect to the functions and duties transferred by the Administrator as specified in the bilateral agreement, under the Articles listed in paragraph (1) for United States-registered aircraft described in paragraph (4)(A) transferred abroad and accepts responsibility with respect to the functions and duties under those Articles for aircraft registered abroad and described in paragraph (4)(B) that are transferred to the United States.

(3) CONDITIONS.—The Administrator may predicate, in the agreement, the transfer of functions and duties under this subsection on any conditions the Administrator deems necessary and prudent, except that the Administrator may not transfer responsibilities for United States registered aircraft described in paragraph (4)(A) to a country that the Administrator determines is not in compliance with its obligations under international law for the safety oversight of civil aviation.

(4) REGISTERED AIRCRAFT DEFINED.—In this subsection, the term “registered aircraft” means—

(A) aircraft registered in the United States and operated pursuant to an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in another country; and

(B) aircraft registered in a foreign country and operated under an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in the United States.

(5) FOREIGN AIRWORTHINESS DIRECTIVES.—

(A) ACCEPTANCE.—Subject to subparagraph (D), the Administrator may accept an airworthiness directive, as defined in section 39.3 of title 14, Code of Federal Regulations, issued by an aeronautical safety authority of a foreign country, and leverage that authority’s regulatory process, if—

(i) the country is the state of design for the product that is the subject of the airworthiness directive;

(ii) the United States has a bilateral safety agreement relating to aircraft certification with the country;

(iii) as part of the bilateral safety agreement with the country, the Administrator has determined that such aeronautical safety authority has an aircraft certification system relating to safety that produces a level of safety equivalent to the level produced by the system of the Federal Aviation Administration;

(iv) the aeronautical safety authority of the country utilizes an open and transparent notice and comment process in the issuance of airworthiness directives; and

(v) the airworthiness directive is necessary to provide for the safe operation of the aircraft subject to the directive.

(B) ALTERNATIVE APPROVAL PROCESS.—Notwithstanding subparagraph (A), the Administrator may issue a Federal Aviation Administration airworthiness directive instead of accepting an airworthiness directive otherwise eligible for acceptance under such subparagraph, if the Administrator determines that such issuance is necessary for safety or operational reasons due to the complexity or unique features of the Federal Aviation Administration airworthiness directive or the United States aviation system.

(C) ALTERNATIVE MEANS OF COMPLIANCE.—The Administrator may—

(i) accept an alternative means of compliance, with respect to an airworthiness directive accepted under subparagraph (A), that was approved by the aeronautical safety authority of the foreign country that issued the airworthiness directive; or

(ii) notwithstanding subparagraph (A), and at the request of any person affected by an airworthiness directive accepted under such subparagraph, approve an alternative means of compliance with respect to the airworthiness directive.

(D) LIMITATION.—The Administrator may not accept an airworthiness directive issued by an aeronautical safety authority of a foreign country if the airworthiness directive addresses matters other than those involving the safe operation of an aircraft.

(f) EXEMPTIONS.—The Administrator may grant an exemption from a requirement of a regulation prescribed under subsection (a) or (b) of this section or any of sections 44702–44716 of this title if the Administrator finds the exemption is in the public interest.

(g) POLICIES, ORDERS, AND GUIDANCE.

(1) CONSISTENCY OF APPLICATION.—*The Administrator shall ensure consistency in the application of policies, orders, and guidance of the Administration by—*

(A) *regular audits of the application and interpretation of such material by Administration personnel from person to person and office to office;*

(B) *updating policies, orders, and guidance to resolve inconsistencies and clarify demonstrated ambiguities, such as through repeated inconsistent interpretation; and*

(C) *ensuring officials are properly documenting findings and decisions throughout a project to decrease the occurrence of duplicative work and inconsistent findings by subsequent officials assigned to the same project.*

(2) ALTERATIONS.—*The Administrator shall consult as appropriate with regulated entities who will be impacted by proposed changes to the content or application of policies, orders, and guidance before making such changes.*

(3) *AUTHORITIES AND REGULATIONS.*—The Administrator shall issue policies, orders, and guidance documents that are related to a law or regulation or clarify the intent of or compliance with specific laws and regulations.

(h) *EXCLUSIVE RULEMAKING AUTHORITY.*—Notwithstanding any other provision of law and except as provided in section 40132, the Administrator, in consultation with the heads of such other agencies as the Administrator determines necessary, shall have exclusive authority to prescribe regulations for purposes of assuring civil aircraft, including unmanned aircraft systems, aircraft engine, propeller, and appliance cybersecurity.

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§ 44703. Airman certificates

(a) *GENERAL.*—The Administrator of the Federal Aviation Administration shall issue an airman certificate to an individual when the Administrator finds, after investigation, that the individual is qualified for, and physically able to perform the duties related to, the position to be authorized by the certificate.

(b) *CONTENTS.*—(1) An airman certificate shall—

(A) be numbered and recorded by the Administrator of the Federal Aviation Administration;

(B) contain the name, address, and description of the individual to whom the certificate is issued;

(C) contain terms the Administrator decides are necessary to ensure safety in air commerce, including terms on the duration of the certificate, periodic or special examinations, and tests of physical fitness;

(D) specify the capacity in which the holder of the certificate may serve as an airman with respect to an aircraft; and

(E) designate the class the certificate covers.

(2) A certificate issued to a pilot serving in scheduled air transportation shall have the designation “airline transport pilot” of the appropriate class.

(c) *PUBLIC INFORMATION.*—

(1) *IN GENERAL.*—Subject to paragraph (2) and notwithstanding any other provision of law, the information contained in the records of contents of any airman certificate issued under this section that is limited to an airman’s name, address, and ratings held shall be made available to the public after the 120th day following the date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century.

(2) *OPPORTUNITY TO WITHHOLD INFORMATION.*—Before making any information concerning an airman available to the public under paragraph (1), the airman shall be given an opportunity to elect that the information not be made available to the public.

(3) *DEVELOPMENT AND IMPLEMENTATION OF PROGRAM.*—Not later than 60 days after the date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, the Administrator shall develop and implement, in cooperation with representatives of the aviation industry, a one-time written notification to airmen to set forth the implications of making information concerning an airman available to

the public under paragraph (1) and to carry out paragraph (2). The Administrator shall also provide such written notification to each individual who becomes an airman after such date of enactment.

(d) APPEALS.—(1) An individual whose application for the issuance or renewal of an airman certificate has been denied may appeal the denial to the National Transportation Safety Board, except if the individual holds a certificate that—

(A) is suspended at the time of denial; or

(B) was revoked within one year from the date of the denial.

(2) The Board shall conduct a hearing on the appeal at a place convenient to the place of residence or employment of the applicant. The Board is not bound by findings of fact of the Administrator of the Federal Aviation Administration. At the end of the hearing, the Board shall decide whether the individual meets the applicable regulations and standards. The Administrator is bound by that decision.

(3) A person who is substantially affected by an order of the Board under this subsection, or the Administrator if the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this subtitle, may seek judicial review of the order under section 46110. The Administrator shall be made a party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.

(e) RESTRICTIONS AND PROHIBITIONS.—The Administrator of the Federal Aviation Administration may—

(1) restrict or prohibit issuing an airman certificate to an alien; or

(2) make issuing the certificate to an alien dependent on a reciprocal agreement with the government of a foreign country.

(f) CONTROLLED SUBSTANCE VIOLATIONS.—The Administrator of the Federal Aviation Administration may not issue an airman certificate to an individual whose certificate is revoked under section 44710 of this title except—

(1) when the Administrator decides that issuing the certificate will facilitate law enforcement efforts; and

(2) as provided in section 44710(e)(2) of this title.

(g) MODIFICATIONS IN SYSTEM.—(1) The Administrator of the Federal Aviation Administration shall make modifications in the system for issuing airman certificates necessary to make the system more effective in serving the needs of airmen and officials responsible for enforcing laws related to the regulation of controlled substances (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)) and related to combating acts of terrorism. The modifications shall ensure positive and verifiable identification of each individual applying for or holding a certificate and shall address at least each of the following deficiencies in, and abuses of, the existing system:

(A) the use of fictitious names and addresses by applicants for those certificates.

(B) the use of stolen or fraudulent identification in applying for those certificates.

(C) the use by an applicant of a post office box or "mail drop" as a return address to evade identification of the applicant's address.

(D) the use of counterfeit and stolen airman certificates by pilots.

(E) the absence of information about physical characteristics of holders of those certificates.

(2) The Administrator of the Federal Aviation Administration shall prescribe regulations to carry out paragraph (1) of this subsection and provide a written explanation of how the regulations address each of the deficiencies and abuses described in paragraph (1). In prescribing the regulations, the Administrator of the Federal Aviation Administration shall consult with the Administrator of Drug Enforcement, the Commissioner of U.S. Customs and Border Protection, other law enforcement officials of the United States Government, representatives of State and local law enforcement officials, representatives of the general aviation aircraft industry, representatives of users of general aviation aircraft, and other interested persons.

(3) For purposes of this section, the term "acts of terrorism" means an activity that involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State, and appears to be intended to intimidate or coerce a civilian population to influence the policy of a government by intimidation or coercion or to affect the conduct of a government by assassination or kidnaping.

(4) The Administrator is authorized and directed to work with State and local authorities, and other Federal agencies, to assist in the identification of individuals applying for or holding airmen certificates.

(h) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—

(1) IN GENERAL.—Subject to paragraph (14), before allowing an individual to begin service as a pilot, an air carrier shall request and receive the following information:

(A) FAA RECORDS.—From the Administrator of the Federal Aviation Administration, records pertaining to the individual that are maintained by the Administrator concerning—

(i) current airman certificates (including airman medical certificates) and associated type ratings, including any limitations to those certificates and ratings; and

(ii) summaries of legal enforcement actions resulting in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title that was not subsequently overturned.

(B) AIR CARRIER AND OTHER RECORDS.—From any air carrier or other person (except a branch of the United States Armed Forces, the National Guard, or a reserve component of the United States Armed Forces) that has employed the individual as a pilot of a civil or public aircraft at any time during the 5-year period preceding the date of the employment application of the individual, or

from the trustee in bankruptcy for such air carrier or person—

(i) records pertaining to the individual that are maintained by an air carrier (other than records relating to flight time, duty time, or rest time) under regulations set forth in—

(I) section 121.683 of title 14, Code of Federal Regulations;

(II) paragraph (A) of section VI, appendix I, part 121 of such title;

(III) paragraph (A) of section IV, appendix J, part 121 of such title;

(IV) section 125.401 of such title; and

(V) section 135.63(a)(4) of such title; and

(ii) other records pertaining to the individual's performance as a pilot that are maintained by the air carrier or person concerning—

(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

(II) any disciplinary action taken with respect to the individual that was not subsequently overturned; and

(III) any release from employment or resignation, termination, or disqualification with respect to employment.

(C) NATIONAL DRIVER REGISTER RECORDS.—In accordance with section 30305(b)(8) of this title, from the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual.

(2) WRITTEN CONSENT; RELEASE FROM LIABILITY.—An air carrier making a request for records under paragraph (1)—

(A) shall be required to obtain written consent to the release of those records from the individual that is the subject of the records requested; and

(B) may, notwithstanding any other provision of law or agreement to the contrary, require the individual who is the subject of the records to request to execute a release from liability for any claim arising from the furnishing of such records to or the use of such records by such air carrier (other than a claim arising from furnishing information known to be false and maintained in violation of a criminal statute).

(3) 5-YEAR REPORTING PERIOD.—A person shall not furnish a record in response to a request made under paragraph (1) if the record was entered more than 5 years before the date of the request, unless the information concerns a revocation or suspension of an airman certificate or motor vehicle license that is in effect on the date of the request.

(4) REQUIREMENT TO MAINTAIN RECORDS.—The Administrator and air carriers shall maintain pilot records described in paragraphs (1)(A) and (1)(B) for a period of at least 5 years.

(5) RECEIPT OF CONSENT; PROVISION OF INFORMATION.—A person shall not furnish a record in response to a request made under paragraph (1) without first obtaining a copy of the written consent of the individual who is the subject of the records requested; except that, for purposes of paragraph (15), the Administrator may allow an individual designated by the Administrator to accept and maintain written consent on behalf of the Administrator for records requested under paragraph (1)(A). A person who receives a request for records under this subsection shall furnish a copy of all of such requested records maintained by the person not later than 30 days after receiving the request.

(6) RIGHT TO RECEIVE NOTICE AND COPY OF ANY RECORD FURNISHED.—A person who receives a request for records under paragraph (1) shall provide to the individual who is the subject of the records—

- (A) on or before the 20th day following the date of receipt of the request, written notice of the request and of the individual's right to receive a copy of such records; and
- (B) in accordance with paragraph (10), a copy of such records, if requested by the individual.

(7) REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.—A person who receives a request under paragraph (1) or (6) may establish a reasonable charge for the cost of processing the request and furnishing copies of the requested records.

(8) STANDARD FORMS.—The Administrator shall promulgate—

- (A) standard forms that may be used by an air carrier to request records under paragraph (1); and
- (B) standard forms that may be used by an air carrier to—
 - (i) obtain the written consent of the individual who is the subject of a request under paragraph (1); and
 - (ii) inform the individual of—
 - (I) the request; and
 - (II) the individual right of that individual to receive a copy of any records furnished in response to the request.

(9) RIGHT TO CORRECT INACCURACIES.—An air carrier that maintains or requests and receives the records of an individual under paragraph (1) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records before making a final hiring decision with respect to the individual.

(10) RIGHT OF PILOT TO REVIEW CERTAIN RECORDS.—Notwithstanding any other provision of law or agreement, an air carrier shall, upon written request from a pilot who is or has been employed by such carrier, make available, within a reasonable time, but not later than 30 days after the date of the request, to the pilot for review, any and all employment records referred to in paragraph (1)(B)(i) or (ii) pertaining to the employment of the pilot.

(11) PRIVACY PROTECTIONS.—An air carrier that receives the records of an individual under paragraph (1) may use such

records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot. The air carrier shall take such actions as may be necessary to protect the privacy of the pilot and the confidentiality of the records, including ensuring that information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

(12) PERIODIC REVIEW.—Not later than 18 months after the date of the enactment of the Pilot Records Improvement Act of 1996, and at least once every 3 years thereafter, the Administrator shall transmit to Congress a statement that contains, taking into account recent developments in the aviation industry—

(A) recommendations by the Administrator concerning proposed changes to Federal Aviation Administration records, air carrier records, and other records required to be furnished under subparagraphs (A) and (B) of paragraph (1); or

(B) reasons why the Administrator does not recommend any proposed changes to the records referred to in subparagraph (A).

(13) REGULATIONS.—The Administrator shall prescribe such regulations as may be necessary—

(A) to protect—

(i) the personal privacy of any individual whose records are requested under paragraph (1) and disseminated under paragraph (15); and

(ii) the confidentiality of those records;

(B) to preclude the further dissemination of records received under paragraph (1) by the person who requested those records; and

(C) to ensure prompt compliance with any request made under paragraph (1).

(14) SPECIAL RULES WITH RESPECT TO CERTAIN PILOTS.—

(A) PILOTS OF CERTAIN SMALL AIRCRAFT.—Notwithstanding paragraph (1), an air carrier, before receiving information requested about an individual under paragraph (1), may allow the individual to begin service for a period not to exceed 90 days as a pilot of an aircraft with a maximum payload capacity (as defined in section 119.3 of title 14, Code of Federal Regulations) of 7,500 pounds or less, or a helicopter, on a flight that is not a scheduled operation (as defined in such section). Before the end of the 90-day period, the air carrier shall obtain and evaluate such information. The contract between the carrier and the individual shall contain a term that provides that the continuation of the individual's employment, after the last day of the 90-day period, depends on a satisfactory evaluation.

(B) GOOD FAITH EXCEPTION.—Notwithstanding paragraph (1), an air carrier, without obtaining information about an individual under paragraph (1)(B) from an air carrier or other person that no longer exists or from a foreign government or entity that employed the individual, may allow the individual to begin service as a pilot if the air carrier required to request the information has made

a documented good faith attempt to obtain such information.

(15) ELECTRONIC ACCESS TO FAA RECORDS.—For the purpose of increasing timely and efficient access to Federal Aviation Administration records described in paragraph (1), the Administrator may allow, under terms established by the Administrator, an individual designated by the air carrier to have electronic access to a specified database containing information about such records. The terms shall limit such access to instances in which information in the database is required by the designated individual in making a hiring decision concerning a pilot applicant and shall require that the designated individual provide assurances satisfactory to the Administrator that information obtained using such access will not be used for any purpose other than making the hiring decision.

(16) APPLICABILITY.—This subsection shall cease to be effective on the date specified in regulations issued under subsection (i).

(i) FAA PILOT RECORDS DATABASE.—

(1) IN GENERAL.—Before allowing an individual to begin service as a pilot, an air carrier shall access and evaluate, in accordance with the requirements of this subsection, information pertaining to the individual from the pilot records database established under paragraph (2).

(2) PILOT RECORDS DATABASE.—Not later than April 30, 2017, the Administrator shall establish and make available for use an electronic database (in this subsection referred to as the “database”) containing the following records:

(A) FAA RECORDS.—From the Administrator—

(i) records that are maintained by the Administrator concerning current airman certificates, including airman medical certificates and associated type ratings and information on any limitations to those certificates and ratings;

(ii) records that are maintained by the Administrator concerning any failed attempt of an individual to pass a practical test required to obtain a certificate or type rating under part 61 of title 14, Code of Federal Regulations; and

(iii) summaries of legal enforcement actions resulting in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title that was not subsequently overturned.

(B) AIR CARRIER AND OTHER RECORDS.—From any air carrier or other person (except a branch of the Armed Forces, the National Guard, or a reserve component of the Armed Forces) that has employed an individual as a pilot of a civil or public aircraft, or from the trustee in bankruptcy for the air carrier or person—

(i) records pertaining to the individual that are maintained by the air carrier (other than records relating to flight time, duty time, or rest time) or person, including records under regulations set forth in—

(I) section 121.683 of title 14, Code of Federal Regulations;

- (II) section 121.111(a) of such title;
- (III) section 121.219(a) of such title;
- (IV) section 125.401 of such title; and
- (V) section 135.63(a)(4) of such title; and

(ii) other records pertaining to the individual's performance as a pilot that are maintained by the air carrier or person concerning—

(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

(II) any disciplinary action taken with respect to the individual that was not subsequently overturned; and

(III) any release from employment or resignation, termination, or disqualification with respect to employment.

(C) NATIONAL DRIVER REGISTER RECORDS.—In accordance with section 30305(b)(8) of this title, from the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual.

(3) WRITTEN CONSENT; RELEASE FROM LIABILITY.—An air carrier—

(A) shall obtain the written consent of an individual before accessing records pertaining to the individual under paragraph (1); and

(B) may, notwithstanding any other provision of law or agreement to the contrary, require an individual with respect to whom the carrier is accessing records under paragraph (1) to execute a release from liability for any claim arising from accessing the records or the use of such records by the air carrier in accordance with this section (other than a claim arising from furnishing information known to be false and maintained in violation of a criminal statute).

(4) REPORTING.—

(A) REPORTING BY ADMINISTRATOR.—The Administrator shall enter data described in paragraph (2)(A) into the database promptly to ensure that an individual's records are current.

(B) REPORTING BY AIR CARRIERS AND OTHER PERSONS.—

(i) IN GENERAL.—Air carriers and other persons shall report data described in paragraphs (2)(B) and (2)(C) to the Administrator promptly for entry into the database.

(ii) DATA TO BE REPORTED.—Air carriers and other persons shall report, at a minimum, under clause (i) the following data described in paragraph (2)(B):

(I) Records that are generated by the air carrier or other person after the date of enactment of this paragraph.

(II) Records that the air carrier or other person is maintaining, on such date of enactment, pursuant to subsection (h)(4).

(5) REQUIREMENT TO MAINTAIN RECORDS.—The Administrator—

(A) shall maintain all records entered into the database under paragraph (2) pertaining to an individual until the date of receipt of notification that the individual is deceased; and

(B) may remove the individual's records from the database after that date.

(6) RECEIPT OF CONSENT.—The Administrator shall not permit an air carrier to access records pertaining to an individual from the database under paragraph (1) without the air carrier first demonstrating to the satisfaction of the Administrator that the air carrier has obtained the written consent of the individual.

(7) RIGHT OF PILOT TO REVIEW CERTAIN RECORDS AND CORRECT INACCURACIES.—Notwithstanding any other provision of law or agreement, the Administrator, upon receipt of written request from an individual—

(A) shall make available, not later than 30 days after the date of the request, to the individual for review all records referred to in paragraph (2) pertaining to the individual; and

(B) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records.

(8) REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.—

(A) IN GENERAL.—The Administrator may establish a reasonable charge for the cost of processing a request under paragraph (1) or (7) and for the cost of furnishing copies of requested records under paragraph (7).

(B) CREDITING APPROPRIATIONS.—Funds received by the Administrator pursuant to this paragraph shall—

(i) be credited to the appropriation current when the amount is received;

(ii) be merged with and available for the purposes of such appropriation; and

(iii) remain available until expended.

(9) PRIVACY PROTECTIONS.—

(A) USE OF RECORDS.—An air carrier that accesses records pertaining to an individual under paragraph (1) may use the records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot. The air carrier shall take such actions as may be necessary to protect the privacy of the individual and the confidentiality of the records accessed, including ensuring that information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

(B) DISCLOSURE OF INFORMATION.—

(i) IN GENERAL.—Except as provided by clause (ii), information collected by the Administrator under paragraph (2) shall be exempt from the disclosure requirements of section 552(b)(3)(B) of title 5.

(ii) EXCEPTIONS.—Clause (i) shall not apply to—

(I) deidentified, summarized information to explain the need for changes in policies and regulations;

(II) information to correct a condition that compromises safety;

(III) information to carry out a criminal investigation or prosecution;

(IV) information to comply with section 44905, regarding information about threats to civil aviation; and

(V) such information as the Administrator determines necessary, if withholding the information would not be consistent with the safety responsibilities of the Federal Aviation Administration.

(10) PERIODIC REVIEW.—Not later than 18 months after the date of enactment of this paragraph, and at least once every 3 years thereafter, the Administrator shall transmit to Congress a statement that contains, taking into account recent developments in the aviation industry—

(A) recommendations by the Administrator concerning proposed changes to Federal Aviation Administration records, air carrier records, and other records required to be included in the database under paragraph (2); or

(B) reasons why the Administrator does not recommend any proposed changes to the records referred to in subparagraph (A).

(11) REGULATIONS FOR PROTECTION AND SECURITY OF RECORDS.—The Administrator shall prescribe such regulations as may be necessary—

(A) to protect and secure—

(i) the personal privacy of any individual whose records are accessed under paragraph (1); and

(ii) the confidentiality of those records; and

(B) to preclude the further dissemination of records received under paragraph (1) by the person who accessed the records.

(12) GOOD FAITH EXCEPTION.—Notwithstanding paragraph (1), an air carrier may allow an individual to begin service as a pilot, without first obtaining information described in paragraph (2)(B) from the database pertaining to the individual, if—

(A) the air carrier has made a documented good faith attempt to access the information from the database; and

(B) the air carrier has received written notice from the Administrator that the information is not contained in the database because the individual was employed by an air carrier or other person that no longer exists or by a foreign government or other entity that has not provided the information to the database.

(13) LIMITATIONS ON ELECTRONIC ACCESS TO RECORDS.—

(A) ACCESS BY INDIVIDUALS DESIGNATED BY AIR CARRIERS.—For the purpose of increasing timely and efficient access to records described in paragraph (2), the Administrator may allow, under terms established by the Adminis-

trator, an individual designated by an air carrier to have electronic access to the database.

(B) TERMS.—The terms established by the Administrator under subparagraph (A) for allowing a designated individual to have electronic access to the database shall limit such access to instances in which information in the database is required by the designated individual in making a hiring decision concerning a pilot applicant and shall require that the designated individual provide assurances satisfactory to the Administrator that—

(i) the designated individual has received the written consent of the pilot applicant to access the information; and

(ii) information obtained using such access will not be used for any purpose other than making the hiring decision.

(14) AUTHORIZED EXPENDITURES.—Of amounts appropriated under section 106(k)(1), a total of \$6,000,000 for fiscal years 2010 through 2013 may be used to carry out this subsection.

(15) REGULATIONS.—

(A) IN GENERAL.—The Administrator shall issue regulations to carry out this subsection.

(B) EFFECTIVE DATE.—The regulations shall specify the date on which the requirements of this subsection take effect and the date on which the requirements of subsection (h) cease to be effective.

(C) EXCEPTIONS.—Notwithstanding subparagraph (B)—

(i) the Administrator shall begin to establish the database under paragraph (2) not later than 90 days after the date of enactment of this paragraph;

(ii) the Administrator shall maintain records in accordance with paragraph (5) beginning on the date of enactment of this paragraph; and

(iii) air carriers and other persons shall maintain records to be reported to the database under paragraph (4)(B) in the period beginning on such date of enactment and ending on the date that is 5 years after the requirements of subsection (h) cease to be effective pursuant to subparagraph (B).

(16) SPECIAL RULE.—During the one-year period beginning on the date on which the requirements of this section become effective pursuant to paragraph (15)(B), paragraph (7)(A) shall be applied by substituting “45 days” for “30 days”.

(j) LIMITATIONS ON LIABILITY; PREEMPTION OF STATE LAW.—

(1) LIMITATION ON LIABILITY.—No action or proceeding may be brought by or on behalf of an individual who has applied for or is seeking a position with an air carrier as a pilot and who has signed a release from liability, as provided for under subsection (h)(2) or (i)(3), against—

(A) the air carrier requesting the records of that individual under subsection (h)(1) or accessing the records of that individual under subsection (i)(1);

(B) a person who has complied with such request;

(C) a person who has entered information contained in the individual’s records; or

(D) an agent or employee of a person described in subparagraph (A) or (B);
in the nature of an action for defamation, invasion of privacy, negligence, interference with contract, or otherwise, or under any Federal or State law with respect to the furnishing or use of such records in accordance with subsection (h) or (i).

(2) PREEMPTION.—No State or political subdivision thereof may enact, prescribe, issue, continue in effect, or enforce any law (including any regulation, standard, or other provision having the force and effect of law) that prohibits, penalizes, or imposes liability for furnishing or using records in accordance with subsection (h) or (i).

(3) PROVISION OF KNOWINGLY FALSE INFORMATION.—Paragraphs (1) and (2) shall not apply with respect to a person who furnishes information in response to a request made under subsection (h)(1) or who furnished information to the database established under subsection (i)(2), that—

(A) the person knows is false; and

(B) was maintained in violation of a criminal statute of the United States.

(4) PROHIBITION ON ACTIONS AND PROCEEDINGS AGAINST AIR CARRIERS.—

(A) HIRING DECISIONS.—An air carrier may refuse to hire an individual as a pilot if the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute the release from liability requested under subsection (h)(2)(B) or (i)(3)(B).

(B) ACTIONS AND PROCEEDINGS.—No action or proceeding may be brought against an air carrier by or on behalf of an individual who has applied for or is seeking a position as a pilot with the air carrier if the air carrier refused to hire the individual after the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute a release from liability requested under subsection (h)(2)(B) or (i)(3)(B).

(k) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in subsection (h) or (i) shall be construed as precluding the availability of the records of a pilot in an investigation or other proceeding concerning an accident or incident conducted by the Administrator, the National Transportation Safety Board, or a court.

(l) TEMPORARY AIRMAN CERTIFICATE.—*An individual may obtain a temporary airman certificate from the Administrator after requesting a permanent replacement airman certificate issued under this section. A temporary airman certificate shall be—*

(1) *made available—*

(A) *electronically to the individual immediately upon submitting an online application for a replacement certificate to the Administrator; or*

(B) *physically to the individual at a flight standards district office—*

(i) *if the individual submits an online application for a replacement certificate; or*

- (ii) *if the individual applies for a permanent replacement certificate other than by online application and such application has been received by the Federal Aviation Administration; and*
- (2) *destroyed upon receipt of the permanent replacement airman certificate from the Administrator.*

§ 44704. Type certificates, production certificates, airworthiness certificates, and design and production organization certificates

(a) TYPE CERTIFICATES.—

(1) ISSUANCE, INVESTIGATIONS, AND TESTS.—The Administrator of the Federal Aviation Administration shall issue a type certificate for an aircraft, aircraft engine, or propeller, or for an appliance specified under paragraph (2)(A) of this subsection when the Administrator finds that the aircraft, aircraft engine, propeller, or appliance is properly designed and manufactured, performs properly, and meets the regulations and minimum standards prescribed under section 44701(a) of this title. On receiving an application for a type certificate, the Administrator shall investigate the application and may conduct a hearing. The Administrator shall make, or require the applicant to make, tests the Administrator considers necessary in the interest of safety.

(2) SPECIFICATIONS.—The Administrator may—

(A) specify in regulations those appliances that reasonably require a type certificate in the interest of safety;

(B) include in a type certificate terms required in the interest of safety; and

(C) record on the certificate a numerical specification of the essential factors related to the performance of the aircraft, aircraft engine, or propeller for which the certificate is issued.

(3) SPECIAL RULES FOR NEW AIRCRAFT AND APPLIANCES.—Except as provided in paragraph (4), if the holder of a type certificate agrees to permit another person to use the certificate to manufacture a new aircraft, aircraft engine, propeller, or appliance, the holder shall provide the other person with written evidence, in a form acceptable to the Administrator, of that agreement. Such other person may manufacture a new aircraft, aircraft engine, propeller, or appliance based on a type certificate only if such other person is the holder of the type certificate or has permission from the holder.

(4) LIMITATION FOR AIRCRAFT MANUFACTURED BEFORE AUGUST 5, 2004.—Paragraph (3) shall not apply to a person who began the manufacture of an aircraft before August 5, 2004, and who demonstrates to the satisfaction of the Administrator that such manufacture began before August 5, 2004, if the name of the holder of the type certificate for the aircraft does not appear on the airworthiness certificate or identification plate of the aircraft. The holder of the type certificate for the aircraft shall not be responsible for the continued airworthiness of the aircraft. A person may invoke the exception provided by this paragraph with regard to the manufacture of only one aircraft.

(5) RELEASE OF DATA.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Administrator may make available upon request, to a person seeking to maintain the airworthiness or develop product improvements of an aircraft, engine, propeller, or appliance, engineering data in the possession of the Administration relating to a type certificate or a supplemental type certificate for such aircraft, engine, propeller, or appliance, without the consent of the owner of record, if the Administrator determines that—

(i) the certificate containing the requested data has been inactive for 3 or more years, except that the Administrator may reduce this time if required to address an unsafe condition associated with the product;

(ii) after using due diligence, the Administrator is unable to find the owner of record, or the owner of record's heir, of the type certificate or supplemental type certificate; and

(iii) making such data available will enhance aviation safety.

(B) ENGINEERING DATA DEFINED.—In this section, the term “engineering data” as used with respect to an aircraft, engine, propeller, or appliance means type design drawing and specifications for the entire aircraft, engine, propeller, or appliance or change to the aircraft, engine, propeller, or appliance, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular certificate for the aircraft, engine, propeller, or appliance.

(C) REQUIREMENT TO MAINTAIN DATA.—The Administrator shall maintain engineering data in the possession of the Administration relating to a type certificate or a supplemental type certificate that has been inactive for 3 or more years.

(b) SUPPLEMENTAL TYPE CERTIFICATES.—

(1) ISSUANCE.—The Administrator may issue a type certificate designated as a supplemental type certificate for a change to an aircraft, aircraft engine, propeller, or appliance.

(2) CONTENTS.—A supplemental type certificate issued under paragraph (1) shall consist of the change to the aircraft, aircraft engine, propeller, or appliance with respect to the previously issued type certificate for the aircraft, aircraft engine, propeller, or appliance.

(3) REQUIREMENT.—If the holder of a supplemental type certificate agrees to permit another person to use the certificate to modify an aircraft, aircraft engine, propeller, or appliance, the holder shall provide the other person with written evidence, in a form acceptable to the Administrator, of that agreement. A person may change an aircraft, aircraft engine, propeller, or appliance based on a supplemental type certificate only if the person requesting the change is the holder of the supplemental type certificate or has permission from the holder to make the change.

(c) PRODUCTION CERTIFICATES.—The Administrator shall issue a production certificate authorizing the production of a duplicate of

an aircraft, aircraft engine, propeller, or appliance for which a type certificate has been issued when the Administrator finds the duplicate will conform to the certificate. On receiving an application, the Administrator shall inspect, and may require testing of, a duplicate to ensure that it conforms to the requirements of the certificate. The Administrator may include in a production certificate terms required in the interest of safety.

(d) AIRWORTHINESS CERTIFICATES.—(1) The registered owner of an aircraft may apply to the Administrator for an airworthiness certificate for the aircraft. The Administrator shall issue an airworthiness certificate when the Administrator finds that the aircraft conforms to its type certificate and, after inspection, is in condition for safe operation. The Administrator shall register each airworthiness certificate and may include appropriate information in the certificate. The certificate number or other individual designation the Administrator requires shall be displayed on the aircraft. The Administrator may include in an airworthiness certificate terms required in the interest of safety.

(2) A person applying for the issuance or renewal of an airworthiness certificate for an aircraft for which ownership has not been recorded under section 44107 or 44110 of this title must submit with the application information related to the ownership of the aircraft the Administrator decides is necessary to identify each person having a property interest in the aircraft and the kind and extent of the interest.

(3) NONCONFORMITY WITH APPROVED TYPE DESIGN.—

(A) IN GENERAL.—Consistent with the requirements of paragraph (1), a holder of a production certificate for an aircraft may not present a nonconforming aircraft, either directly or through the registered owner of such aircraft or a person described in paragraph (2), to the Administrator for issuance of an initial airworthiness certificate.

(B) CIVIL PENALTY.—Notwithstanding section 46301, a production certificate holder who knowingly violates subparagraph (A) shall be liable to the Administrator for a civil penalty of not more than \$1,000,000 for each nonconforming aircraft.

(C) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under subparagraph (B), the Administrator shall consider—

(i) the nature, circumstances, extent, and gravity of the violation, including the length of time the nonconformity was known by the holder of a production certificate but not disclosed; and

(ii) with respect to the violator, the degree of culpability, any history of prior violations, and the size of the business concern.

(D) NONCONFORMING AIRCRAFT DEFINED.—In this paragraph, the term “nonconforming aircraft” means an aircraft that does not conform to the approved type design for such aircraft type.

(e) DISCLOSURE OF SAFETY CRITICAL INFORMATION.—

(1) IN GENERAL.—Notwithstanding a delegation described in section 44702(d), the Administrator shall require an applicant for, or holder of, a type certificate for a transport category airplane covered under part 25 of title 14, Code of Federal Regulations, to submit safety critical information with respect to

such airplane to the Administrator in such form, manner, or time as the Administrator may require. Such safety critical information shall include—

(A) any design and operational details, intended functions, and failure modes of any system that, without being commanded by the flight crew, commands the operation of any safety critical function or feature required for control of an airplane during flight or that otherwise changes the flight path or airspeed of an airplane;

(B) the design and operational details, intended functions, failure modes, and mode annunciations of autopilot and autothrottle systems, if applicable;

(C) any failure or operating condition that the applicant or holder anticipates or has concluded would result in an outcome with a severity level of hazardous or catastrophic, as defined in the appropriate Administration airworthiness requirements and guidance applicable to transport category airplanes defining risk severity;

(D) any adverse handling quality that fails to meet the requirements of applicable regulations without the addition of a software system to augment the flight controls of the airplane to produce compliant handling qualities; and

(E) a system safety assessment with respect to a system described in subparagraph (A) or (B) or with respect to any component or other system for which failure or erroneous operation of such component or system could result in an outcome with a severity level of hazardous or catastrophic, as defined in the appropriate Administration airworthiness requirements and guidance applicable to transport category airplanes defining risk severity.

(2) ONGOING COMMUNICATIONS.—

(A) NEWLY DISCOVERED INFORMATION.—The Administrator shall require that an applicant for, or holder of, a type certificate disclose to the Administrator, in such form, manner, or time as the Administrator may require, any newly discovered information or design or analysis change that would materially alter any submission to the Administrator under paragraph (1).

(B) SYSTEM DEVELOPMENT CHANGES.—The Administrator shall establish multiple milestones throughout the certification process at which a proposed airplane system will be assessed to determine whether any change to such system during the certification process is such that such system should be considered novel or unusual by the Administrator.

(3) FLIGHT MANUALS.—The Administrator shall ensure that an airplane flight manual and a flight crew operating manual (as appropriate or applicable) for an airplane contains a description of the operation of a system described in paragraph (1)(A) and flight crew procedures for responding to a failure or aberrant operation of such system.

(4) CIVIL PENALTY.—

(A) AMOUNT.—Notwithstanding section 46301, an applicant for, or holder of, a type certificate that knowingly violates paragraph (1), (2), or (3) of this subsection shall be

liable to the Administrator for a civil penalty of not more than \$1,000,000 for each violation.

(B) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under subparagraph (A), the Administrator shall consider—

(i) the nature, circumstances, extent, and gravity of the violation, including the length of time that such safety critical information was known but not disclosed; and

(ii) with respect to the violator, the degree of culpability, any history of prior violations, and the size of the business concern.

(5) REVOCATION AND CIVIL PENALTY FOR INDIVIDUALS.—

(A) IN GENERAL.—The Administrator shall revoke any airline transport pilot certificate issued under section 44703 held by any individual who, while acting on behalf of an applicant for, or holder of, a type certificate, knowingly makes a false statement with respect to any of the matters described in subparagraphs (A) through (E) of paragraph (1).

(B) AUTHORITY TO IMPOSE CIVIL PENALTY.—The Administrator may impose a civil penalty under section 46301 for each violation described in subparagraph (A).

(6) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect or otherwise inhibit the authority of the Administrator to deny an application by an applicant for a type certificate or to revoke or amend a type certificate of a holder of such certificate.

(7) DEFINITION OF TYPE CERTIFICATE.—In this subsection, the term “type certificate”—

(A) means a type certificate issued under subsection (a) or an amendment to such certificate; and

(B) does not include a supplemental type certificate issued under subsection (b).

(f) HEARING REQUIREMENT.—The Administrator may find that a person has violated subsection (a)(6) or paragraph (1), (2), or (3) of subsection (e) and impose a civil penalty under the applicable subsection only after notice and an opportunity for a hearing. The Administrator shall provide a person—

(1) written notice of the violation and the amount of penalty; and

(2) the opportunity for a hearing under subpart G of part 13 of title 14, Code of Federal Regulations.

(g) CERTIFICATION DISPUTE RESOLUTION.—

(1) DISPUTE RESOLUTION PROCESS AND APPEALS.—

(A) IN GENERAL.—Not later than 60 days after the date of enactment of this subsection, the Administrator shall issue an order establishing—

(i) an effective, timely, and milestone-based issue resolution process for type certification activities under subsection (a); and

(ii) a process by which a decision, finding of compliance or noncompliance, or other act of the Administration, with respect to compliance with design requirements, may be appealed by a covered person directly

involved with the certification activities in dispute on the basis that such decision, finding, or act is erroneous or inconsistent with this chapter, regulations, or guidance materials promulgated by the Administrator, or other requirements.

(B) ESCALATION.—The order issued under subparagraph (A) shall provide processes for—

(i) resolution of technical issues at pre-established stages of the certification process, as agreed to by the Administrator and the type certificate applicant;

(ii) automatic elevation to appropriate management personnel of the Administration and the type certificate applicant of any major certification process milestone that is not completed or resolved within a specific period of time agreed to by the Administrator and the type certificate applicant;

(iii) resolution of a major certification process milestone elevated pursuant to clause (ii) within a specific period of time agreed to by the Administrator and the type certificate applicant;

(iv) initial review by appropriate Administration employees of any appeal described in subparagraph (A)(ii); and

(v) subsequent review of any further appeal by appropriate management personnel of the Administration and the Associate Administrator for Aviation Safety.

(C) DISPOSITION.—

(i) WRITTEN DECISION.—The Associate Administrator for Aviation Safety shall issue a written decision that states the grounds for the decision of the Associate Administrator on—

(I) each appeal submitted under subparagraph (A)(ii); and

(II) An appeal to the Associate Administrator submitted under subparagraph (B)(v).

(ii) REPORT TO CONGRESS.—Not later than December 31 of each calendar year through calendar year **[2025]** 2028, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing each appeal resolved under this subsection.

(D) FINAL REVIEW.—

(i) IN GENERAL.—A written decision of the Associate Administrator under subparagraph (C) may be appealed to the Administrator for a final review and determination.

(ii) DECLINE TO REVIEW.—The Administrator may decline to review an appeal initiated pursuant to clause (i).

(iii) JUDICIAL REVIEW.—No decision under this paragraph (including a decision to decline to review an appeal) shall be subject to judicial review.

(2) PROHIBITED CONTACTS.—

(A) PROHIBITION GENERALLY.—During the course of an appeal under this subsection, no covered official may engage in an ex parte communication (as defined in section 551 of title 5) with an individual representing or acting on behalf of an applicant for, or holder of, a certificate under this section in relation to such appeal unless such communication is disclosed pursuant to subparagraph (B).

(B) DISCLOSURE.—If, during the course of an appeal under this subsection, a covered official engages in, receives, or is otherwise made aware of an ex parte communication, the covered official shall disclose such communication in the public record at the time of the issuance of the written decision under paragraph (1)(C), including the time and date of the communication, subject of communication, and all persons engaged in such communication.

(3) DEFINITIONS.—In this subsection:

(A) COVERED PERSON.—The term “covered person” means either—

(i) an employee of the Administration whose responsibilities relate to the certification of aircraft, engines, propellers, or appliances; or

(ii) an applicant for, or holder of, a type certificate or amended type certificate issued under this section.

(B) COVERED OFFICIAL.—The term “covered official” means the following officials:

(i) The Executive Director or any Deputy Director of the Aircraft Certification Service.

(ii) The Deputy Executive Director for Regulatory Operations of the Aircraft Certification Service.

(iii) The Director or Deputy Director of the Compliance and Airworthiness Division of the Aircraft Certification Service.

(iv) The Director or Deputy Director of the System Oversight Division of the Aircraft Certification Service.

(v) The Director or Deputy Director of the Policy and Innovation Division of the Aircraft Certification Service.

(vi) The Executive Director or any Deputy Executive Director of the Flight Standards Service.

(vii) The Associate Administrator or Deputy Associate Administrator for Aviation Safety.

(viii) The Deputy Administrator of the Federal Aviation Administration.

(ix) The Administrator of the Federal Aviation Administration.

(x) Any similarly situated or successor FAA management position to those described in clauses (i) through (ix), as determined by the Administrator.

(C) MAJOR CERTIFICATION PROCESS MILESTONE.—The term “major certification process milestone” means a milestone related to the type certification basis, type certification plan, type inspection authorization, issue paper, or

- other major type certification activity agreed to by the Administrator and the type certificate applicant.
- (4) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall apply to the communication of a good-faith complaint by any individual alleging—
- (A) gross misconduct;
 - (B) a violation of title 18; or
 - (C) a violation of any of the provisions of part 2635 or 6001 of title 5, Code of Federal Regulations.

(h) INCREMENTAL SAFETY IMPROVEMENT.—

(1) IN GENERAL.—The Administrator may consider and approve a proposed incremental design change request from a type certificate holder, if such holder is required by the Administrator to make a safety-related design change to bring a product into compliance, even if the proposed incremental design change does not eliminate all noncompliant conditions.

(2) PROPOSED INCREMENTAL DESIGN CHANGE.—A proposed incremental design change under paragraph (1) shall—

- (A) be related to the required safety-related change described in this subsection; and*
- (B) improve safety.*

(3) FULL COMPLIANCE.—An approval issued under this subsection shall not be construed to relieve a type certificate holder from addressing all noncompliant conditions under paragraph (1).

* * * * *

§ 44711. Prohibitions and exemption

(a) **PROHIBITIONS.**—A person may not—

- (1) operate a civil aircraft in air commerce without an airworthiness certificate in effect or in violation of a term of the certificate;
- (2) serve in any capacity as an airman with respect to a civil aircraft, aircraft engine, propeller, or appliance used, or intended for use, in air commerce—
 - (A) without an airman certificate authorizing the airman to serve in the capacity for which the certificate was issued; or
 - (B) in violation of a term of the certificate or a regulation prescribed or order issued under section 44701(a) or (b) or any of sections 44702–44716 of this title;
- (3) employ for service related to civil aircraft used in air commerce an airman who does not have an airman certificate authorizing the airman to serve in the capacity for which the airman is employed;
- (4) operate as an air carrier without an air carrier operating certificate or in violation of a term of the certificate;
- (5) operate aircraft in air commerce in violation of a regulation prescribed or certificate issued under section 44701(a) or (b) or any of sections 44702–44716 of this title;
- (6) operate a seaplane or other aircraft of United States registry on the high seas in violation of a regulation under section 3 of the International Navigational Rules Act of 1977 (33 U.S.C. 1602);

(7) violate a term of an air agency, design organization certificate, or production certificate or a regulation prescribed or order issued under section 44701(a) or (b) or any of sections 44702–44716 of this title related to the holder of the certificate;

(8) operate an airport without an airport operating certificate required under section 44706 of this title or in violation of a term of the certificate;

(9) manufacture, deliver, sell, or offer for sale any aviation fuel or additive in violation of a regulation prescribed under section 44714 of this title; **[or]**

(10) violate section 44732 or any regulation issued thereunder**[.]**; or

(11) *work as an aircraft dispatcher outside of a physical location designated as a dispatching center or flight following center of an air carrier, except as provided under section 44747.*

(b) EXEMPTION.—On terms the Administrator of the Federal Aviation Administration prescribes as being in the public interest, the Administrator may exempt a foreign aircraft and airmen serving on the aircraft from subsection (a) of this section. However, an exemption from observing air traffic regulations may not be granted.

(c) PROHIBITION ON EMPLOYMENT OF CONVICTED COUNTERFEIT PART TRAFFICKERS.—No person subject to this chapter may knowingly employ anyone to perform a function related to the procurement, sale, production, or repair of a part or material, or the installation of a part into a civil aircraft, who has been convicted in a court of law of a violation of any Federal law relating to the installation, production, repair, or sale of a counterfeit or fraudulently-represented aviation part or material.

(d) POST-EMPLOYMENT RESTRICTIONS FOR INSPECTORS AND ENGINEERS.—

(1) PROHIBITION.—A person holding a certificate issued under part 21 or 119 of title 14, Code of Federal Regulations, may not knowingly employ, or make a contractual arrangement that permits, an individual to act as an agent or representative of such person in any matter before the Administration if the individual, in the preceding 2-year period—

(A) served as, or was responsible for oversight of—

(i) a flight standards inspector of the Administration; or

(ii) an employee of the Administration with responsibility for certification functions with respect to a holder of a certificate issued under section 44704(a); and

(B) had responsibility to inspect, or oversee inspection of, the operations of such person.

(2) WRITTEN AND ORAL COMMUNICATIONS.—For purposes of paragraph (1), an individual shall be considered to be acting as an agent or representative of a certificate holder in a matter before the Administration if the individual makes any written or oral communication on behalf of the certificate holder to the Administration (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has

participated in, or had responsibility for, the particular matter while serving as an individual covered under paragraph (1).

* * * * *

§ 44718. Structures interfering with air commerce or national security

(a) NOTICE.—By regulation or by order when necessary, the Secretary of Transportation shall require a person to give adequate public notice, in the form and way the Secretary prescribes, of the construction, alteration, establishment, or expansion, or the proposed construction, alteration, establishment, or expansion, of a structure or sanitary landfill when the notice will promote—

- (1) safety in air commerce;
- (2) the efficient use and preservation of the navigable airspace and of airport traffic capacity at public-use airports; or
- (3) the interests of national security, as determined by the Secretary of Defense.

(b) STUDIES.—

(1) IN GENERAL.—Under regulations prescribed by the Secretary, if the Secretary decides that constructing or altering a structure may result in an obstruction of the navigable airspace, an interference with air or space navigation facilities and equipment or the navigable airspace, or, after consultation with the Secretary of Defense, an adverse impact on military operations and readiness, the Secretary of Transportation shall conduct an aeronautical study to decide the extent of any adverse impact on the safe and efficient use of the airspace, facilities, or equipment. In conducting the study, the Secretary shall—

(A) consider factors relevant to the efficient and effective use of the navigable airspace, including—

- (i) the impact on arrival, departure, and en route procedures for aircraft operating under visual flight rules;
- (ii) the impact on arrival, departure, and en route procedures for aircraft operating under instrument flight rules;
- (iii) the impact on existing public-use airports and aeronautical facilities;
- (iv) the impact on planned public-use airports and aeronautical facilities;
- (v) the cumulative impact resulting from the proposed construction or alteration of a structure when combined with the impact of other existing or proposed structures;
- (vi) the impact on launch and reentry for launch and reentry vehicles arriving or departing from a launch site or reentry site licensed by the Secretary of Transportation; and
- (vii) other factors relevant to the efficient and effective use of navigable airspace; and

(B) include the finding made by the Secretary of Defense under subsection (f).

(2) REPORT.—On completing the study, the Secretary of Transportation shall issue a report disclosing the extent of the—

(A) adverse impact on the safe and efficient use of the navigable airspace that the Secretary finds will result from constructing or altering the structure; and

(B) unacceptable risk to the national security of the United States, as determined by the Secretary of Defense under subsection (f).

(3) SEVERABILITY.—A determination by the Secretary of Transportation on hazard to air navigation under this section shall remain independent of a determination of unacceptable risk to the national security of the United States by the Secretary of Defense under subsection (f).

(c) BROADCAST APPLICATIONS AND TOWER STUDIES.—In carrying out laws related to a broadcast application and conducting an aeronautical study related to broadcast towers, the Administrator of the Federal Aviation Administration and the Federal Communications Commission shall take action necessary to coordinate efficiently—

(1) the receipt and consideration of, and action on, the application; and

(2) the completion of any associated aeronautical study.

(d) LIMITATION ON CONSTRUCTION OF LANDFILLS.—

(1) IN GENERAL.—No person shall construct or establish a municipal solid waste landfill (as defined in section 258.2 of title 40, Code of Federal Regulations, as in effect on the date of the enactment of this subsection) that receives putrescible waste (as defined in section 257.3–8 of such title) within 6 miles of a public airport that has received grants under chapter 471 and is primarily served by general aviation aircraft and regularly scheduled flights of aircraft designed for 60 passengers or less unless the State aviation agency of the State in which the airport is located requests that the Administrator of the Federal Aviation Administration exempt the landfill from the application of this subsection and the Administrator determines that such exemption would have no adverse impact on aviation safety.

(2) LIMITATION ON APPLICABILITY.—Paragraph (1) shall not apply in the State of Alaska and shall not apply to the construction, establishment, expansion, or modification of, or to any other activity undertaken with respect to, a municipal solid waste landfill if the construction or establishment of the landfill was commenced on or before the date of the enactment of this subsection.

(e) REVIEW OF AERONAUTICAL STUDIES.—The Administrator of the Federal Aviation Administration shall develop procedures to allow the Department of Defense and the Department of Homeland Security to review and comment on an aeronautical study conducted pursuant to subsection (b) prior to the completion of the study.

(f) NATIONAL SECURITY FINDING.—As part of an aeronautical study conducted under subsection (b) and in accordance with section 183a(e) of title 10, the Secretary of Defense shall—

(1) make a finding on whether the construction, alteration, establishment, or expansion of a structure or sanitary landfill

included in the study would result in an unacceptable risk to the national security of the United States; and

(2) transmit the finding to the Secretary of Transportation for inclusion in the report required under subsection (b)(2).

(g) SPECIAL RULE FOR IDENTIFIED GEOGRAPHIC AREAS.—In the case of a proposed structure to be located within a geographic area identified under section 183a(d)(2)(B) of title 10, the Secretary of Transportation may not issue a determination pursuant to this section until the Secretary of Defense issues a finding under section 183a(e) of title 10, the Secretary of Defense advises the Secretary of Transportation that no finding under section 183a(e) of title 10 will be forthcoming, or 180 days have lapsed since the project was filed with the Secretary of Transportation pursuant to this section, whichever occurs first.

[(h) DEFINITIONS.—In this section, the following definitions apply:

[(1) ADVERSE IMPACT ON MILITARY OPERATIONS AND READINESS.—The term “adverse impact on military operations and readiness” has the meaning given the term in section 183a(h)(1) of title 10.

[(2) UNACCEPTABLE RISK TO THE NATIONAL SECURITY OF THE UNITED STATES.—The term “unacceptable risk to the national security of the United States” has the meaning given the term in section 183a(h)(7) of title 10.]

(h) DEFINITIONS.—*In this section, the terms “adverse impact on military operations and readiness” and “unacceptable risk to the national security of the United States” have the meaning given those terms in section 183a(h) of title 10.*

* * * * *

§ 44720. Meteorological services

(a) RECOMMENDATIONS.—The Administrator of the Federal Aviation Administration shall make recommendations to the Secretary of Commerce on providing meteorological services necessary for the safe and efficient movement of aircraft in air commerce. In providing the services, the Secretary shall cooperate with the Administrator and give complete consideration to those recommendations.

(b) PROMOTING SAFETY AND EFFICIENCY.—To promote safety and efficiency in air navigation to the highest possible degree, the Secretary shall—

(1) observe, measure, investigate, and study atmospheric phenomena, and maintain meteorological stations and offices, that are necessary or best suited for finding out in advance information about probable weather conditions;

(2) provide reports to [the Administrator to persons] *the Administrator, to persons* engaged in civil aeronautics that are designated by [the Administrator and to] *the Administrator, and to* other persons designated by the Secretary in a way and with a frequency that best will result in safety in, and facilitating, air navigation;

(3) cooperate with persons engaged in air commerce in meteorological services, maintain reciprocal arrangements with those persons in carrying out this clause, and collect and distribute weather reports available from aircraft in flight;

(4) maintain and coordinate international exchanges of meteorological information required for the safety and efficiency of air navigation;

(5) in cooperation with other departments, agencies, and instrumentalities of the United States Government, meteorological services of foreign countries, and persons engaged in air commerce, participate in developing an international basic meteorological reporting network, including the establishment, operation, and maintenance of reporting stations on the high seas, in polar regions, and in foreign countries;

(6) coordinate meteorological requirements in the United States to maintain standard observations, to promote efficient use of facilities, and to avoid duplication of services unless the duplication tends to promote the safety and efficiency of air navigation; and

(7) promote and develop meteorological science and foster and support research projects in meteorology through the use of private and governmental research facilities and provide for publishing the results of the projects unless publication would not be in the public interest.

§ 44721. Aeronautical charts and related products and services

(a) PUBLICATION.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may arrange for the publication of aeronautical maps and charts necessary for the safe and efficient movement of aircraft in air navigation, using the facilities and assistance of departments, agencies, and instrumentalities of the United States Government as far as practicable.

(2) NAVIGATION ROUTES.—In carrying out paragraph (1), the Administrator shall update and arrange for the publication of clearly defined routes for navigating through a complex terminal airspace area and to and from an airport located in such an area, if the Administrator decides that publication of the routes would promote safety in air navigation. The routes shall be developed in consultation with pilots and other users of affected airports and shall be for the optional use of pilots operating under visual flight rules.

(b) INDEMNIFICATION.—The Government shall make an agreement to indemnify any person that publishes a map or chart for use in aeronautics from any part of a claim arising out of the depiction by the person on the map or chart of a defective or deficient flight procedure or airway if the flight procedure or airway was—

- (1) prescribed by the Administrator;
- (2) depicted accurately on the map or chart; and
- (3) not obviously defective or deficient.

(c) AUTHORITY OF OFFICE OF AERONAUTICAL CHARTING AND CARTOGRAPHY.—Effective October 1, 2000, the Administrator is vested with and shall exercise the functions, powers, and duties of the Secretary of Commerce and other officers of the Department of Commerce that relate to the Office of Aeronautical Charting and Cartography to provide aeronautical charts and related products and services for the safe and efficient navigation of air commerce, under the following authorities:

(1) Sections 1 through 9 of the Act entitled “An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes”, approved August 6, [1947,] 1947 (33 U.S.C. 883a–883h).

(2) Section 6082 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (33 U.S.C. 883j).

(d) **AUTHORITY.**—In order that full public benefit may be derived from the dissemination of data resulting from activities under this section and of related data from other sources, the Administrator may—

(1) develop, process, disseminate and publish digital and analog data, information, compilations, and reports;

(2) compile, print, and disseminate aeronautical charts and related products and services of the United States and its territories and possessions;

(3) compile, print, and disseminate aeronautical charts and related products and services covering international airspace as are required primarily by United States civil aviation; and

(4) compile, print, and disseminate nonaeronautical navigational, transportation or public-safety-related products and services when in the best interests of the Government.

(e) **CONTRACTS, COOPERATIVE AGREEMENTS, GRANTS, AND OTHER AGREEMENTS.**—

(1) **CONTRACTS.**—The Administrator is authorized to contract with qualified organizations for the performance of any part of the authorized functions of the Office of Aeronautical Charting and Cartography when the Administrator deems such procedure to be in the public interest and will not compromise public safety.

(2) **COOPERATIVE AGREEMENTS, GRANTS, AND OTHER AGREEMENTS.**—The Administrator is authorized to enter into cooperative agreements, grants, reimbursable agreements, memoranda of understanding and other agreements, with a State, subdivision of a State, Federal agency, public or private organization, or individual, to carry out the purposes of this section.

(f) **SPECIAL SERVICES AND PRODUCTS.**—

(1) **IN GENERAL.**—The Administrator is authorized, at the request of a State, subdivision of a State, Federal agency, public or private organization, or individual, to conduct special services, including making special studies, or developing special publications or products on matters relating to navigation, transportation, or public safety.

(2) **FEES.**—The Administrator shall assess a fee for any special service provided under paragraph (1). A fee shall be not more than the actual or estimated full cost of the service. A fee may be reduced or waived for research organizations, educational organizations, or non-profit organizations, when the Administrator determines that reduction or waiver of the fee is in the best interest of the Government by furthering public safety.

(g) **SALE AND DISSEMINATION OF AERONAUTICAL PRODUCTS.**—

(1) **IN GENERAL.**—Aeronautical products created or maintained under the authority of this section shall be sold at prices established annually by the Administrator consistent with the following:

(A) MAXIMUM PRICE.—Subject to subparagraph (B), the price of an aeronautical product sold to the public shall be not more than necessary to recover all costs attributable to: (i) data base management and processing; (ii) compilation; (iii) printing or other types of reproduction; and (iv) dissemination of the product.

(B) ADJUSTMENT OF PRICE.—The Administrator shall adjust the price of an aeronautical product and service sold to the public as necessary to avoid any adverse impact on aviation safety attributable to the price specified under this paragraph.

(C) COSTS ATTRIBUTABLE TO ACQUISITION OF AERONAUTICAL DATA.—A price established under this paragraph may not include costs attributable to the acquisition of aeronautical data.

(D) CONTINUATION OF PRICES.—The price of any product created under subsection (d) may correspond to the price of a comparable product produced by a department of the United States Government as that price was in effect on September 30, 2000, and may remain in effect until modified by regulation under section 9701 of title 31, United States Code.

(2) PUBLICATION OF PRICES.—The Administrator shall publish annually the prices at which aeronautical products are sold to the public.

(3) DISTRIBUTION.—The Administrator may distribute aeronautical products and provide aeronautical services—

(A) without charge to each foreign government or international organization with which the Administrator or a Federal department or agency has an agreement for exchange of these products or services without cost;

(B) at prices the Administrator establishes, to the departments and officers of the United States requiring them for official use; and

(C) at reduced or no charge where, in the judgment of the Administrator, furnishing the aeronautical product or service to a recipient is a reasonable exchange for voluntary contribution of information by the recipient to the activities under this section.

(4) FEES.—The fees provided for in this subsection are for the purpose of reimbursing the Government for the costs of creating, printing and disseminating aeronautical products and services under this section. The collection of fees authorized by this section does not alter or expand any duty or liability of the Government under existing law for the performance of functions for which fees are collected, nor does the collection of fees constitute an express or implied undertaking by the Government to perform any activity in a certain manner.

(5) CREDITING AMOUNTS RECEIVED.—Notwithstanding any other provision of law, amounts received for the sale of products created and services performed under this section shall be fully credited to the account of the Federal Aviation Administration that funded the provision of the products or services and shall remain available until expended.

* * * * *

§ 44728. Flight attendant certification

(a) CERTIFICATE REQUIRED.—

(1) IN GENERAL.—No person may serve as a flight attendant aboard an aircraft of an air carrier unless that person holds a certificate of demonstrated proficiency from the Administrator of the Federal Aviation Administration. Upon the request of the Administrator or an authorized representative of the National Transportation Safety Board or another Federal agency, a person who holds such a certificate shall present the certificate for inspection within a reasonable period of time after the date of the request.

(2) SPECIAL RULE FOR CURRENT FLIGHT ATTENDANTS.—An individual serving as a flight attendant on the effective date of this section may continue to serve aboard an aircraft as a flight attendant until completion by that individual of the required recurrent or requalification training and subsequent certification under this section.

(3) TREATMENT OF FLIGHT ATTENDANT AFTER NOTIFICATION.—On the date that the Administrator is notified by an air carrier that an individual has the demonstrated proficiency to be a flight attendant, the individual shall be treated for purposes of this section as holding a certificate issued under the section.

(b) ISSUANCE OF CERTIFICATE.—The Administrator shall issue a certificate of demonstrated proficiency under this section to an individual after the Administrator is notified by the air carrier that the individual has successfully completed all the training requirements for flight attendants approved by the Administrator.

(c) DESIGNATION OF PERSON TO DETERMINE SUCCESSFUL COMPLETION OF TRAINING.—In accordance with part 183 of title 14, Code of Federal [Regulation,] *Regulations*, the director of operations of an air carrier is designated to determine that an individual has successfully completed the training requirements approved by the Administrator for such individual to serve as a flight attendant.

(d) SPECIFICATIONS RELATING TO CERTIFICATES.—Each certificate issued under this section shall—

- (1) be numbered and recorded by the Administrator;
- (2) contain the name, address, and description of the individual to whom the certificate is issued;
- (3) be similar in size and appearance to certificates issued to airmen;
- (4) contain the airplane group for which the certificate is issued; and
- (5) be issued not later than 120 days after the Administrator receives notification from the air carrier of demonstrated proficiency and, in the case of an individual serving as flight attendant on the effective date of this section, not later than 1 year after such effective date.

(e) APPROVAL OF TRAINING PROGRAMS.—Air carrier flight attendant training programs shall be subject to approval by the Administrator. All flight attendant training programs approved by the Administrator in the 1-year period ending on the date of enactment of this section shall be treated as providing a demonstrated proficiency for purposes of meeting the certification requirements of this section.

(f) MINIMUM LANGUAGE SKILLS.—

(1) IN GENERAL.—No person may serve as a flight attendant aboard an aircraft of an air carrier, unless that person has demonstrated to an individual qualified to determine proficiency the ability to read, speak, and write English well enough to—

(A) read material written in English and comprehend the information;

(B) speak and understand English sufficiently to provide direction to, and understand and answer questions from, English-speaking individuals;

(C) write incident reports and statements and log entries and statements; and

(D) carry out written and oral instructions regarding the proper performance of their duties.

(2) FOREIGN FLIGHTS.—The requirements of paragraph (1) do not apply to a flight attendant serving solely between points outside the United States.

(g) FLIGHT ATTENDANT DEFINED.—In this section, the term “flight attendant” means an individual working as a flight attendant in the cabin of an aircraft that has 20 or more seats and is being used by an air carrier to provide air transportation.

§ 44729. Age standards for pilots

(a) IN GENERAL.—[Subject to the limitation in subsection (c), a] A pilot may serve in multicrew covered operations described in subsection (b)(1) until attaining [65] 67 years of age. Air carriers that employ pilots who serve in covered operations described in subsection (b)(2) may elect to implement an age restriction to prohibit employed pilots from serving in such covered operations after attaining 70 years of age by delivering written notice to the Administrator of the Federal Aviation Administration. Such election—

(1) shall take effect 1 year after the date of delivery of written notice of the election; and

(2) may not be terminated after the date on which such election takes effect by the air carrier.

(b) COVERED OPERATIONS DEFINED.—In this section, the term “covered operations” means—

(1) operations under part 121 of title 14, Code of Federal Regulations[; or], *unless the operation takes place in airspace where such operations are not permitted; or*

(2) operations by a person that—

(A) holds an air carrier certificate issued pursuant to part 119 of title 14, Code of Federal Regulations, to conduct operations under part 135 of such title;

(B) holds management specifications under subpart K of title 91 of title 14, Code of Federal Regulations; and

(C) performed an aggregate total of at least 75,000 turbojet operations in calendar year 2019 or any subsequent year.

[(c) LIMITATION FOR INTERNATIONAL FLIGHTS.—

[(1) APPLICABILITY OF ICAO STANDARD.—A pilot who has attained 60 years of age may serve as pilot-in-command in covered operations between the United States and another coun-

try only if there is another pilot in the flight deck crew who has not yet attained 60 years of age.

[(2) SUNSET OF LIMITATION.—Paragraph (1) shall cease to be effective on such date as the Convention on International Civil Aviation provides that a pilot who has attained 60 years of age may serve as pilot-in-command in international commercial operations without regard to whether there is another pilot in the flight deck crew who has not attained age 60.]

[(d)] (c) SUNSET OF AGE [60] 65 RETIREMENT RULE.—On and after [the date of enactment of this section,] *the date of enactment of the Securing Growth and Robust Leadership in American Aviation Act*, [section 121.383(c)] *subsections (d) and (e) of section 121.383* of title 14, Code of Federal Regulations (or any successor regulations), shall cease to be effective.

[(e)] (d) APPLICABILITY.—

[(1) NONRETROACTIVITY.—No person who has attained 60 years of age before the date of enactment of this section may serve as a pilot for an air carrier engaged in covered operations unless—

[(A) such person is in the employment of that air carrier in such operations on such date of enactment as a required flight deck crew member; or

[(B) such person is newly hired by an air carrier as a pilot on or after such date of enactment without credit for prior seniority or prior longevity for benefits or other terms related to length of service prior to the date of rehire under any labor agreement or employment policies of the air carrier.]

(1) RETROACTIVITY.—*A person who has attained 65 years of age on or before the date of enactment of the Securing Growth and Robust Leadership in American Aviation Act may return to service as a pilot for an air carrier engaged in covered operations.*

(2) PROTECTION FOR COMPLIANCE.—An action taken in conformance with this [section, taken in conformance with a regulation issued to carry out this section, or taken prior to the date of enactment of this section in conformance with section 121.383(c) of title 14, Code of Federal Regulations (as in effect before such date of enactment), may] *section or taken in conformance with a regulation issued to carry out this section*, may not serve as a basis for liability or relief in a proceeding, brought under any employment law or regulation, before any court or agency of the United States or of any State or locality.

[(f)] (e) AMENDMENTS TO LABOR AGREEMENTS AND BENEFIT PLANS.—Any amendment to a labor agreement or benefit plan of an air carrier that is required to conform with the requirements of this section or a regulation issued to carry out this section, and is applicable to pilots represented for collective bargaining, shall be made by agreement of the air carrier and the designated bargaining representative of the pilots of the air carrier.

[(g)] (f) MEDICAL STANDARDS AND RECORDS.—

(1) MEDICAL EXAMINATIONS AND STANDARDS.—Except as provided by paragraph (2), a person serving as a pilot for an air carrier engaged in covered operations shall not be subject to different medical standards, or different, greater, or more fre-

quent medical examinations, on account of age unless the Secretary determines (based on data received or studies published after the date of enactment of this section) that different medical standards, or different, greater, or more frequent medical examinations, are needed to ensure an adequate level of safety in flight.

(2) DURATION OF FIRST-CLASS MEDICAL CERTIFICATE.—No person who has attained 60 years of age may serve as a pilot of an air carrier engaged in covered operations unless the person has a first-class medical certificate. Such a certificate shall expire on the last day of the 6-month period following the date of examination shown on the certificate.

[(h)] (g) SAFETY.—

(1) TRAINING.—Each air carrier engaged in covered operations shall continue to use pilot training and qualification programs approved by the Federal Aviation Administration, with specific emphasis on initial and recurrent training and qualification of pilots who have attained 60 years of age, to ensure continued acceptable levels of pilot skill and judgment.

(2) GAO REPORT.—Not later than 24 months after the date of enactment of this section, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report concerning the effect, if any, on aviation safety of the modification to pilot age standards made by subsection (a).

(h) SAVINGS CLAUSE.—*An air carrier engaged in covered operations described in subsection (b)(1) on or after the date of enactment of the Securing Growth and Robust Leadership in American Aviation Act may not require employed pilots to serve in such covered operations after attaining 65 years of age.*

§ 44730. Helicopter air ambulance operations

(a) COMPLIANCE REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), [not later than 180 days after the date of enactment of this section,] a part 135 certificate holder providing air ambulance services shall comply, whenever medical personnel are onboard the aircraft, with regulations pertaining to weather minimums and flight and duty time under part 135.

(2) EXCEPTION.—If a certificate holder described in paragraph (1) is operating, or carrying out training, under instrument flight rules, the weather reporting requirement at the destination shall not apply if authorized by the Administrator of the Federal Aviation Administration.

(b) FINAL RULE.—Not later than June 1, 2012, the Administrator shall issue a final rule, with respect to the notice of proposed rulemaking published in the Federal Register on October 12, 2010 (75 Fed. Reg. 62640), to improve the safety of flight crewmembers, medical personnel, and passengers onboard helicopters providing air ambulance services under part 135.

(c) MATTERS TO BE ADDRESSED.—In conducting the rulemaking proceeding under subsection (b), the Administrator shall [address the following] *consider, or address through other means, the following:*

(1) Flight request and dispatch procedures, including performance-based flight dispatch procedures.

(2) Pilot training standards, including establishment of training standards in—

(A) preventing controlled flight into terrain; and

(B) recovery from inadvertent flight into instrument meteorological conditions.

(3) Safety-enhancing technology and equipment, including—

(A) helicopter terrain awareness and warning systems;

(B) radar altimeters; and

(C) devices that perform the function of flight data recorders and cockpit voice recorders, to the extent feasible.

(4) Such other matters as the Administrator considers appropriate.

(d) **MINIMUM REQUIREMENTS.**—In issuing a final rule under subsection (b), the Administrator, at a minimum, shall **provide for the following** *consider, or address through other means, the following:*

(1) **FLIGHT RISK EVALUATION PROGRAM.**—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services—

(A) establishes a flight risk evaluation program, based on FAA Notice 8000.301 issued by the Administration on August 1, 2005, including any updates thereto;

(B) as part of the flight risk evaluation program, develops a checklist for use by pilots in determining whether a flight request should be accepted; and

(C) requires the pilots of the certificate holder to use the checklist.

(2) **OPERATIONAL CONTROL CENTER.**—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services using 10 or more helicopters has an operational control center that meets such requirements as the Administrator may prescribe.

(e) **[SUBSEQUENT RULEMAKING] SUBSEQUENT ACTIONS.**—

(1) **IN GENERAL.**—Upon completion of the rulemaking required under subsection (b), the Administrator **shall conduct a follow-on rulemaking to address the following:** *shall address through a follow-on rulemaking, or through such other means that the Administrator considers appropriate, the following:*

(A) Pilot training standards, including—

(i) mandatory training requirements, including a minimum time for completing the training requirements;

(ii) training subject areas, such as communications procedures and appropriate technology use; and

(iii) establishment of training standards in—

(I) crew resource management;

(II) flight risk evaluation;

(III) operational control of the pilot in command;

and

(IV) use of flight simulation training devices and line-oriented flight training.

(B) Use of safety equipment that should be worn or used by flight crewmembers and medical personnel on a flight, including the possible use of shoulder harnesses, helmets,

seatbelts, and fire resistant clothing to enhance crash survivability.

[(2) DEADLINES.—Not later than 180 days after the date of issuance of a final rule under subsection (b), the Administrator shall initiate the rulemaking under this subsection.]

[(3)] (2) LIMITATION ON CONSTRUCTION.—Nothing in this subsection shall be construed to require the Administrator to propose or finalize any rule that would derogate or supersede the rule required to be finalized under subsection (b).

(f) DEFINITIONS.—In this section, the following definitions apply:

(1) PART 135.—The term “part 135” means part 135 of title 14, Code of Federal Regulations.

(2) PART 135 CERTIFICATE HOLDER.—The term “part 135 certificate holder” means a person holding an operating certificate issued under part 119 of title 14, Code of Federal Regulations, that is authorized to conduct civil helicopter air ambulance operations under part 135.

§ 44731. Collection of data on helicopter air ambulance operations

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require a part 135 certificate holder providing helicopter air ambulance services to submit to the Administrator, annually, a report containing, at a minimum, the following data:

(1) The number of helicopters that the certificate holder uses to provide helicopter air ambulance services and the base locations of the helicopters.

(2) The number of hours flown by the helicopters operated by the certificate holder.

(3) The number of patients transported and the number of patient transport requests for a helicopter providing air ambulance services that were accepted or declined by the certificate holder and the type of each such flight request (such as scene response, interfacility transport, or organ transport).

(4) The number of accidents, if any, involving helicopters operated by the certificate holder while providing air ambulance services and a description of the accidents.

(5) The number of hours flown under instrument flight rules by helicopters operated by the certificate holder.

(6) The number of hours flown at night by helicopters operated by the certificate holder.

(7) The number of incidents, if any, in which a helicopter was not directly dispatched and arrived to transport patients but was not utilized for patient transport.

(b) REPORTING PERIOD.—Data contained in a report submitted by a part 135 certificate holder under subsection (a) shall relate to such reporting period as the Administrator determines appropriate.

(c) DATABASE.—Not later than 180 days after the date of enactment of this section, the Administrator shall develop a method to collect and store the data collected under subsection (a), including a method to protect the confidentiality of any trade secret or proprietary information provided in response to this section.

[(d) REPORT TO CONGRESS.—The Administrator shall submit annually to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce,

Science, and Transportation of the Senate a report containing a summary of the data collected under subsection (a). The report shall include the number of accidents experienced by helicopter air ambulance operations, the number of fatal accidents experienced by helicopter air ambulance operations, and the rate, per 100,000 flight hours, of accidents and fatal accidents experienced by operators providing helicopter air ambulance services.】

【(e)】 (d) IMPLEMENTATION.—In carrying out this section, the Administrator, in collaboration with part 135 certificate holders providing helicopter air ambulance services, shall—

(1) propose and develop a method to collect and store the data submitted under subsection (a), including a method to protect the confidentiality of any trade secret or proprietary information submitted; 【and】

【(2) ensure that the database under subsection (c) and the report under subsection (d) include data and analysis that will best inform efforts to improve the safety of helicopter air ambulance operations.】

(2) *make publicly available, in part or in whole, on the website of the Federal Aviation Administration website, the database developed pursuant to subsection (c); and*

(3) *analyze the data submitted under subsection (a) periodically and use such data to inform efforts to improve the safety of helicopter air ambulance operations.*

【(f)】 (e) DEFINITIONS.—In this section, the terms “part 135” and “part 135 certificate holder” have the meanings given such terms in section 44730.

* * * * *

§ 44733. [Inspection] Oversight of repair stations located outside the United States

(a) IN GENERAL.—【Not later than 1 year after the date of enactment of this section, the】 *The Administrator of the Federal Aviation Administration shall establish and implement a safety assessment system for all part 145 repair stations based on the type, scope, and complexity of work being performed. The system shall—*

(1) *ensure that repair stations located outside the United States are subject to appropriate inspections based on identified risks and consistent with existing United States requirements;*

(2) *consider inspection results and findings submitted by foreign civil aviation authorities operating under a maintenance safety or maintenance implementation agreement with the United States; and*

(3) *require all maintenance safety or maintenance implementation agreements to provide an opportunity for the Administration to conduct independent inspections of 【covered part 145 repair stations】 part 145 repair stations when safety concerns warrant such inspections.*

(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The Administrator shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives not later than 30 days after initiating formal negotiations with foreign aviation authori-

ties or other appropriate foreign government agencies on a new maintenance safety or maintenance implementation agreement.

(c) ANNUAL REPORT.—The Administrator shall publish an annual report on the Administration’s oversight of part 145 repair stations and implementation of the safety assessment system required under subsection (a). The report shall—

(1) describe in detail any improvements in the Administration’s ability to identify and track where part 121 air carrier repair work is performed;

(2) include a staffing model to determine the best placement of inspectors and the number of inspectors needed;

(3) describe the training provided to inspectors; and

(4) include an assessment of the quality of monitoring and surveillance by the Administration of work performed by its inspectors and the inspectors of foreign authorities operating under a maintenance safety or maintenance implementation agreement.

(d) ALCOHOL AND CONTROLLED SUBSTANCES TESTING PROGRAM REQUIREMENTS.—

(1) IN GENERAL.—The Secretary of State and the Secretary of Transportation, acting jointly, shall request the governments of foreign countries that are members of the International Civil Aviation Organization to establish international standards for alcohol and controlled substances testing of persons that perform safety-sensitive maintenance functions on commercial air carrier aircraft.

(2) APPLICATION TO PART 121 AIRCRAFT WORK.—Not later than 1 year after the date of enactment of this section, the Administrator shall promulgate a proposed rule requiring that all part 145 repair station employees responsible for safety-sensitive maintenance functions on part 121 air carrier aircraft are subject to an alcohol and controlled substances testing program determined acceptable by the Administrator and consistent with the applicable laws of the country in which the repair station is located.

(e) ANNUAL INSPECTIONS.—The Administrator shall ensure that part 145 repair stations located outside the United States are inspected annually, *without prior notice to such repair stations*, by Federal Aviation Administration safety inspectors, without regard to where the station is located, in a manner consistent with United States obligations under international agreements *and the applicable laws of the country in which the repair station is located*. [The Administrator may carry out inspections in addition to the annual inspection required under this subsection based on identified risks.] *The Administrator may carry out announced or unannounced inspections in addition to the annual unannounced inspection required under this subsection based on identified risks and in a manner consistent with United States obligations under international agreements and the applicable laws of the country in which the part 145 repair station is located.*

(f) RISK-BASED OVERSIGHT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of the FAA Extension, Safety, and Security Act of 2016, the Administrator shall take measures to ensure that the safety assessment system established under subsection (a)—

(A) places particular consideration on inspections of part 145 repair stations located outside the United States that conduct scheduled heavy maintenance work on part 121 air carrier aircraft; and

(B) accounts for the frequency and seriousness of any corrective actions that part 121 air carriers must implement to aircraft following such work at such repair stations.

(2) INTERNATIONAL AGREEMENTS.—The Administrator shall take the measures required under paragraph (1)—

(A) in accordance with United States obligations under applicable international agreements; and

(B) in a manner consistent with the applicable laws of the country in which a repair station is located.

(3) ACCESS TO DATA.—The Administrator may access and review such information or data in the possession of a part 121 air carrier as the Administrator may require in carrying out paragraph (1)(B).

(g) DATA ANALYSIS.—

(1) *IN GENERAL.*—Each fiscal year in which a part 121 air carrier has had heavy maintenance work performed on an aircraft owned or operated by such carrier, such carrier shall provide to the Administrator, not later than the end of the following fiscal year, a report containing the information described in paragraph (2).

(2) *INFORMATION REQUIRED.*—A report under paragraph (1) shall contain the following:

(A) The location where any heavy maintenance work on aircraft was performed outside the United States.

(B) A description of the work performed at each such location.

(C) The date of completion of the work performed at each such location.

(D) A list of all failures, malfunctions, or defects affecting the safe operation of such aircraft identified by the air carrier not later than 30 days after the date on which an aircraft is returned to service, organized by reference to aircraft registration number, that—

(i) requires corrective action after the aircraft is approved for return to service; and

(ii) results from such work performed on such aircraft.

(E) The certificate number of the person approving such aircraft or on-wing aircraft engine, for return to service following completion of the work performed at each such location.

(3) *ANALYSIS.*—The Administrator shall—

(A) analyze information provided under this subsection and sections 121.703, 121.705, 121.707, and 145.221 of title 14, Code of Federal Regulations, or any successor provisions of such title, to detect safety issues associated with heavy maintenance work on aircraft performed outside the United States; and

(B) require appropriate actions by an air carrier or repair station in response to any safety issue identified by the analysis conducted under subparagraph (A).

(4) *CONFIDENTIALITY.*—Information provided under this subsection shall be subject to the same protections given to voluntarily provided safety or security related information under section 40123.

(h) *APPLICATIONS AND PROHIBITION.*—

(1) *IN GENERAL.*—The Administrator may not approve any new application under part 145 of title 14, Code of Federal Regulations, from a person located or headquartered in a country that the Administration, through the International Aviation Safety Assessment program, has classified as Category 2.

(2) *EXCEPTION.*—Paragraph (1) shall not apply to an application for the renewal of a certificate issued under part 145 of title 14, Code of Federal Regulations.

(3) *MAINTENANCE IMPLEMENTATION PROCEDURES AGREEMENT.*—The Administrator may elect not to enter into a new maintenance implementation procedures agreement with a country classified as Category 2, for as long as the country remains classified as Category 2.

(3) *PROHIBITION ON CONTINUED HEAVY MAINTENANCE WORK.*—No part 121 air carrier may enter into a new contract for heavy maintenance work with a person located or headquartered in a country that the Administrator, through the International Aviation Safety Assessment program, has classified as Category 2, for as long as such country remains classified as Category 2.

(i) *MINIMUM QUALIFICATIONS FOR MECHANICS AND OTHERS WORKING ON U.S. REGISTERED AIRCRAFT.*—

(1) *IN GENERAL.*—Not later than 2 years after the date of enactment of this subsection, the Administrator shall require that, at each covered repair station—

(A) all supervisory personnel of such station are appropriately certificated as a mechanic or repairman under part 65 of title 14, Code of Federal Regulations, or under an equivalent certification or licensing regime, as determined by the Administrator; and

(B) all personnel of such station authorized to approve an article for return to service are appropriately certificated as a mechanic or repairman under part 65 of such title, or under an equivalent certification or licensing regime, as determined by the Administrator.

(2) *AVAILABLE FOR CONSULTATION.*—Not later than 2 years after the date of enactment of this subsection, the Administrator shall require any individual who is responsible for approving an article for return to service or who is directly in charge of heavy maintenance work performed on aircraft operated by a part 121 air carrier be available for consultation while work is being performed at a covered repair station.

[(g)] (j) *DEFINITIONS.*—In this section, the following definitions apply:

(1) *COVERED REPAIR STATION.*—The term “covered repair station” means a facility that—

(A) is located outside the United States;

(B) is a part 145 repair station; and
 (C) performs heavy maintenance work on aircraft operated by a part 121 air carrier.

[(1)] (2) HEAVY MAINTENANCE WORK.—The term “heavy maintenance work” means a C-check, a D-check, or equivalent maintenance operation with respect to the airframe of a transport-category [aircraft] aircraft (including on-wing aircraft engines).

[(2)] (3) PART 121 AIR CARRIER.—The term “part 121 air carrier” means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

[(3)] (4) PART 145 REPAIR STATION.—The term “part 145 repair station” means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.

* * * * *

§ 44735. Limitation on disclosure of safety information

(a) IN GENERAL.—Except as provided by subsection (c), a report, data, or other information described in subsection (b) shall not be disclosed to the public by the Administrator of the Federal Aviation Administration pursuant to section 552(b)(3)(B) of title 5—

(1) if the report, data, or other information is submitted to the Federal Aviation Administration voluntarily and is not required to be submitted to the Administrator under any other provision of law [; or];

(2) if the report, data, or other information is submitted to the Federal Aviation Administration pursuant to section 102(e) of the Aircraft Certification, Safety, and Accountability Act [.] ;
 or

(3) if the report, data, or other information is submitted for any purpose relating to the development, implementation, and use of a safety management system, including a system required by regulation, that is acceptable to the Administrator.

(b) APPLICABILITY.—The limitation established by subsection (a) shall apply to the following:

(1) Reports, data, or other information developed under the Aviation Safety Action Program.

(2) Reports, data, or other information produced or collected under the Flight Operational Quality Assurance Program.

(3) Reports, data, or other information developed under the Line Operations Safety Audit Program.

(4) Reports, data, or other information produced or collected for purposes of developing and implementing a safety management system acceptable to the Administrator.

(5) Reports, analyses, and directed studies, based in whole or in part on reports, data, or other information described in paragraphs (1) through (4), including those prepared under the Aviation Safety Information Analysis and Sharing Program (or any successor program).

(c) EXCEPTION FOR DE-IDENTIFIED INFORMATION.—

(1) IN GENERAL.—The limitation established by subsection (a) shall not apply to a report, data, or other information if the information contained in the report, data, or other information has been de-identified.

(2) DE-IDENTIFIED DEFINED.—In this subsection, the term “de-identified” means the process by which all information that is likely to establish the identity of the specific persons or entities submitting reports, data, or other information is removed from the reports, data, or other information.

(d) OTHER AGENCIES.—

(1) IN GENERAL.—*The limitation established under subsection (a) shall apply to the head of any other Federal agency who receives reports, data, or other information described in such subsection from the Administrator.*

(2) RULE OF CONSTRUCTION.—*This section shall not be construed to limit the accident or incident investigation authority of the National Transportation Safety Board under chapter 11, including the requirement to not disclose voluntarily provided safety-related information under section 1114.*

§ 44736. Organization designation authorizations

(a) DELEGATIONS OF FUNCTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (3), when overseeing an ODA holder, the Administrator of the FAA shall—

(A) require, based on an application submitted by the ODA holder and approved by the Administrator (or the Administrator’s designee), a procedures manual that addresses all procedures and limitations regarding the functions to be performed by the ODA holder; and

(B) conduct regular oversight activities by inspecting the ODA holder’s delegated functions and taking action based on validated inspection findings.

(2) DUTIES OF ODA HOLDERS.—An ODA holder shall—

(A) perform each specified function delegated to the ODA holder in accordance with the approved procedures manual for the delegation;

(B) make the procedures manual available to each member of the appropriate ODA unit; and

(C) cooperate fully with oversight activities conducted by the Administrator in connection with the delegation.

(3) EXISTING ODA HOLDERS.—With regard to an ODA holder operating under a procedures manual approved by the Administrator before the date of enactment of the FAA Reauthorization Act of 2018, the Administrator shall conduct regular oversight activities by inspecting the ODA holder’s delegated functions and taking action based on validated inspection findings.

(b) ODA OFFICE.—

(1) ESTABLISHMENT.—[Not later than 120 days after the date of enactment of this section, the] *The Administrator of the FAA shall identify, within the FAA Office of Aviation Safety, a centralized policy office to be known as the Organization Designation Authorization Office or the ODA Office.*

(2) PURPOSE.—*The purpose of the ODA Office shall be to provide oversight and ensure the consistency of the FAA’s audit functions under the ODA program across the FAA.*

(3) FUNCTIONS.—*The ODA Office shall—*

- (A)(i) require, as appropriate, an ODA holder to establish a corrective action plan to regain authority for any retained limitations;
- (ii) require, as appropriate, an ODA holder to notify the ODA Office when all corrective actions have been accomplished; and
- (iii) when appropriate, make a reassessment to determine if subsequent performance in carrying out any retained limitation warrants continued retention and, if such reassessment determines performance meets objectives, lift such limitation immediately;
- (B) develop a more consistent approach to audit priorities, procedures, and training under the ODA program;
- (C) review, in a timely fashion, a random sample of limitations on delegated authorities under the ODA program to determine if the limitations are appropriate;
- (D) ensure national consistency in the interpretation and application of the requirements of the ODA program, including any limitations, and in the performance of the ODA program;
- (E) at the request of an ODA holder, review and, when appropriate, approve new limitations to ODA functions; **[and]**
- (F) ensure the ODA holders procedures manual contains procedures and policies based on best practices established by the Administrator~~[\.]~~; *and*
- (G) *convene a forum not less than every 2 years between ODA holders, unit members, and other organizational representatives and relevant experts, in order to—*
- (i) *share best practices;*
 - (ii) *instill professionalism, ethics, and personal responsibilities in unit members; and*
 - (iii) *foster open and transparent communication between Administration safety specialists, ODA holders, and unit members.*
- (c) DEFINITIONS.—In this section, the following definitions apply:
- (1) FAA.—The term “FAA” means the Federal Aviation Administration.
 - (2) ODA HOLDER.—The term “ODA holder” means an entity authorized to perform functions pursuant to a delegation made by the Administrator of the FAA under section 44702(d).
 - (3) ODA UNIT.—The term “ODA unit” means a group of 2 or more individuals who perform, under the supervision of an ODA holder, authorized functions under an ODA.
 - (4) ORGANIZATION.—The term “organization” means a firm, partnership, corporation, company, association, joint-stock association, or governmental entity.
 - (5) ORGANIZATION DESIGNATION AUTHORIZATION; ODA.—The term “Organization Designation Authorization” or “ODA” means an authorization by the FAA under section 44702(d) for an organization composed of 1 or more ODA units to perform approved functions on behalf of the FAA.
- (d) AUDITS.—
- (1) IN GENERAL.—The Administrator shall perform a periodic audit of each ODA unit and its procedures.

(2) DURATION.—An audit required under paragraph (1) shall be performed with respect to an ODA holder once every 7 years (or more frequently as determined appropriate by the Administrator).

(3) RECORDS.—The ODA holder shall maintain, for a period to be determined by the Administrator, a record of—

- (A) each audit conducted under this subsection; and
- (B) any corrective actions resulting from each such audit.

(e) FEDERAL AVIATION SAFETY ADVISORS.—

(1) IN GENERAL.—In the case of an ODA holder, the Administrator shall assign FAA aviation safety personnel with appropriate expertise to be advisors to the ODA unit members that are authorized to make findings of compliance on behalf of the Administrator. The advisors shall—

- (A) communicate with assigned unit members on an ongoing basis to ensure that the assigned unit members are knowledgeable of relevant FAA policies and acceptable methods of compliance; and
- (B) monitor the performance of the assigned unit members to ensure consistency with such policies.

(2) APPLICABILITY.—Paragraph (1) shall only apply to an ODA holder that is—

- (A) a manufacturer that holds both a type and a production certificate for—
 - (i) transport category airplanes with a maximum takeoff gross weight greater than 150,000 pounds; or
 - (ii) airplanes produced and delivered to operators operating under part 121 of title 14, Code of Federal Regulations, for air carrier service under such part 121; or
- (B) a manufacturer of engines for an airplane described in subparagraph (A).

(f) COMMUNICATION WITH THE FAA.—Neither the Administrator nor an ODA holder may prohibit—

- (1) an ODA unit member from communicating with, or seeking the advice of, the Administrator or FAA staff; or
- (2) the Administrator or FAA staff from communicating with an ODA unit member.

(g) ETHICS TRAINING REQUIREMENT FOR ODA HOLDERS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Administrator of the Federal Aviation Administration shall review and ensure each ODA holder approved under section 44741 has in effect a recurrent training program for all ODA unit members that covers—

- (A) unit member professional obligations and responsibilities;
- (B) the ODA holder's code of ethics as required to be established under section 102(f) of the Aircraft Certification, Safety, and Accountability Act (49 U.S.C. 44701 note);
- (C) procedures for reporting safety concerns, as described in the respective approved procedures manual for the delegation;

(D) the prohibition against and reporting procedures for interference from a supervisor or other ODA member described in section 44742; and

(E) any additional information the Administrator considers relevant to maintaining ethical and professional standards across all ODA holders and unit members.

(2) FAA REVIEW.—

(A) REVIEW OF TRAINING PROGRAM.—The Organization Designation Authorization Office of the Administration shall review each ODA holders' recurrent training program to ensure such program includes all elements described in paragraph (1).

(B) CHANGES TO PROGRAM.—Such Office may require changes to the training program considered necessary to maintain ethical and professional standards across all ODA holders and unit members.

(3) TRAINING.—As part of the recurrent training required under paragraph (1), not later than 60 business days after being designated as an ODA unit member, and annually thereafter, each ODA unit member shall complete the ethics training required by the ODA holder of the respective ODA unit member in order to exercise the functions delegated under the ODA.

(4) ACCOUNTABILITY.—The Administrator shall establish such processes or requirements as are necessary to ensure compliance with paragraph (3).

§ 44737. Helicopter fuel system safety

(a) PROHIBITION.—

(1) IN GENERAL.—A person may not operate a covered [rotorcraft] *helicopter* in United States airspace unless the design of the [rotorcraft] *helicopter* is certified by the Administrator of the Federal Aviation Administration to—

(A) comply with the requirements applicable to the category of the [rotorcraft] *helicopter* under paragraphs (1), (2), (3), (5), and (6) of section 27.952(a), section 27.952(c), section 27.952(f), section 27.952(g), section 27.963(g) (but allowing for a minimum puncture force of 250 pounds if successfully drop tested in-structure), and section 27.975(b) or paragraphs (1), (2), (3), (5), and (6) of section 29.952(a), section 29.952(c), section 29.952(f), section 29.952(g), section 29.963(b) (but allowing for a minimum puncture force of 250 pounds if successfully drop tested in-structure), and 29.975(a)(7) of title 14, Code of Federal Regulations, as in effect on the date of enactment of this section; or

(B) employ other means acceptable to the Administrator to provide an equivalent level of fuel system crash resistance.

(2) COVERED ROTORCRAFT DEFINED.—In this subsection, the term “covered [rotorcraft] *helicopter*” means a [rotorcraft] *helicopter* not otherwise required to comply with section 27.952, section 27.963, and section 27.975, or section 29.952, section 29.963, and section 29.975 of title 14, Code of Federal Regulations as in effect on the date of enactment of this section for which manufacture was completed, as determined by the Ad-

ministrator, on or after the date that is 18 months after the date of enactment of this section.

(b) ADMINISTRATIVE PROVISIONS.—The Administrator shall—

(1) expedite the certification and validation of United States and foreign type designs and retrofit kits that improve fuel system crashworthiness; and

(2) not later than 180 days after the date of enactment of this section, and periodically thereafter, issue a bulletin to—

(A) inform [rotorcraft] *helicopter* owners and operators of available modifications to improve fuel system crashworthiness; and

(B) urge that such modifications be installed as soon as practicable.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the operation of a [rotorcraft] *helicopter* by the Department of Defense.

(d) EXEMPTION.—*A helicopter issued an experimental certificate under section 21.191 of title 14, Code of Federal Regulations (or any successor regulations), or operating under a Special Flight Permit issued under section 21.197 of title 14, Code of Federal Regulations (or any successor regulations), is exempt from the requirements of this section.*

* * * * *

§ 44741. Approval of organization designation authorization unit members

(a) IN GENERAL.—Beginning January 1, 2022, each individual who is selected on or after such date to become an ODA unit member by an ODA holder engaged in the design of an aircraft, aircraft engine, propeller, or appliance and performs an authorized function pursuant to a delegation by the Administrator of the Federal Aviation Administration under section 44702(d)—

(1) shall be—

(A) an employee, a contractor, or a consultant of the ODA holder; or

(B) the employee of a supplier of the ODA holder; and

(2) may not become a member of such unit unless approved by the Administrator pursuant to this section.

(b) PROCESS AND TIMELINE.—

(1) IN GENERAL.—The Administrator shall maintain an efficient process for the review and approval of an individual to become an ODA unit member under this section.

(2) PROCESS.—An ODA holder described in subsection (a) may submit to the Administrator an application for an individual to be approved to become an ODA unit member under this section. The application shall be submitted in such form and manner as the Administrator determines appropriate. The Administrator shall require an ODA holder to submit with such an application information sufficient to demonstrate an individual's qualifications under subsection (c).

(3) TIMELINE.—The Administrator shall approve or reject an individual that is selected by an ODA holder to become an ODA unit member under this section not later than 30 days after the receipt of an application by an ODA holder.

(4) DOCUMENTATION OF APPROVAL.—Upon approval of an individual to become an ODA unit member under this section, the Administrator shall provide such individual a letter confirming that such individual has been approved by the Administrator under this section to be an ODA unit member.

(5) REAPPLICATION.—An ODA holder may submit an application under this subsection for an individual to become an ODA unit member under this section regardless of whether an application for such individual was previously rejected by the Administrator.

(c) QUALIFICATIONS.—

(1) IN GENERAL.—The Administrator shall issue minimum qualifications for an individual to become an ODA unit member under this section. In issuing such qualifications, the Administrator shall consider existing qualifications for Administration employees with similar duties and whether such individual—

(A) is technically proficient and qualified to perform the authorized functions sought;

(B) has no recent record of serious enforcement action, as determined by the Administrator, taken by the Administrator with respect to any certificate, approval, or authorization held by such individual;

(C) is of good moral character (as such qualification is applied to an applicant for an airline transport pilot certificate issued under section 44703);

(D) possesses the knowledge of applicable design or production requirements in this chapter and in title 14, Code of Federal Regulations, necessary for performance of the authorized functions sought;

(E) possesses a high degree of knowledge of applicable design or production principles, system safety principles, or safety risk management processes appropriate for the authorized functions sought; and

(F) meets such testing, examination, training, or other qualification standards as the Administrator determines are necessary to ensure the individual is competent and capable of performing the authorized functions sought.

(2) PREVIOUSLY REJECTED APPLICATION.—In reviewing an application for an individual to become an ODA unit member under this section, if an application for such individual was previously rejected, the Administrator shall ensure that the reasons for the prior rejection have been resolved or mitigated to the Administrator's satisfaction before making a determination on the individual's reapplication.

(d) RESCISSION OF APPROVAL.—The Administrator may rescind an approval of an individual as an ODA unit member granted pursuant to this section at any time and for any reason the Administrator considers appropriate. The Administrator shall develop procedures to provide for notice and opportunity to appeal rescission decisions made by the Administrator. Such decisions by the Administrator are not subject to judicial review.

(e) CONDITIONAL SELECTIONS.—

(1) IN GENERAL.—Subject to the requirements of this subsection, the Administrator may authorize an ODA holder to

conditionally designate an individual to perform the functions of an ODA unit member for a period of not more than 30 days (beginning on the date an application for such individual is submitted under subsection (b)(2)).

(2) REQUIRED DETERMINATION.—The Administrator may not make an authorization under paragraph (1) unless—

(A) the ODA holder has instituted, to the Administrator's satisfaction, systems and processes to ensure the integrity and reliability of determinations by conditionally-designated ODA unit members; and

(B) the ODA holder has instituted a safety management system in accordance with regulations issued by the Administrator under section 102 of the Aircraft Certification, Safety, and Accountability Act.

(3) FINAL DETERMINATION.—The Administrator shall approve or reject the application for an individual designated under paragraph (1) in accordance with the timeline and procedures described in subsection (b).

(4) REJECTION AND REVIEW.—If the Administrator rejects the application submitted under subsection (b)(2) for an individual conditionally designated under paragraph (1), the Administrator shall review and approve or disapprove any decision pursuant to any authorized function performed by such individual during the period such individual served as a conditional designee.

(5) PROHIBITIONS.—Notwithstanding the requirements of paragraph (2), the Administrator may prohibit an ODA holder from making conditional designations of individuals as ODA unit members under this subsection at any time for any reason the Administrator considers appropriate. The Administrator may prohibit any conditionally designated individual from performing an authorized function at any time for any reason the Administrator considers appropriate.

(f) RECORDS AND BRIEFINGS.—

(1) IN GENERAL.—Beginning on the date described in subsection (a), an ODA holder shall maintain, for a period to be determined by the Administrator and with proper protections to ensure the security of sensitive and personal information—

(A) any data, applications, records, or manuals required by the ODA holder's approved procedures manual, as determined by the Administrator;

(B) the names, responsibilities, qualifications, and example signature of each member of the ODA unit who performs an authorized function pursuant to a delegation by the Administrator under section 44702(d);

(C) training records for ODA unit members and ODA administrators; and

(D) any other data, applications, records, or manuals determined appropriate by the Administrator.

(2) CONGRESSIONAL BRIEFING.—[Not later than 90 days after the date of enactment of this section, and every 90 days thereafter through September 30, 2023, the Administrator shall provide a briefing] *The Administrator shall provide an annual briefing each fiscal year through fiscal year 2028 to the Committee on Transportation and Infrastructure of the House of*

Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the implementation and effects of this section, including—

(A) the Administration's performance in completing reviews of individuals and approving or denying such individuals within the timeline required under subsection (b)(3);

(B) for any individual rejected by the Administrator under subsection (b) during the preceding 90-day period, the reasoning or basis for such rejection; and

(C) any resource, staffing, or other challenges within the Administration associated with implementation of this section.

(g) SPECIAL REVIEW OF QUALIFICATIONS.—

(1) IN GENERAL.—Not later than 30 days after the issuance of minimum qualifications under subsection (c), the Administrator shall initiate a review of the qualifications of each individual who on the date on which such minimum qualifications are issued is an ODA unit member of a holder of a type certificate for a transport airplane to ensure such individual meets the minimum qualifications issued by the Administrator under subsection (c).

(2) UNQUALIFIED INDIVIDUAL.—For any individual who is determined by the Administrator not to meet such minimum qualifications pursuant to the review conducted under paragraph (1), the Administrator—

(A) shall determine whether the lack of qualification may be remedied and, if so, provide such individual with an action plan or schedule for such individual to meet such qualifications; or

(B) may, if the Administrator determines the lack of qualification may not be remedied, take appropriate action, including prohibiting such individual from performing an authorized function.

(3) DEADLINE.—The Administrator shall complete the review required under paragraph (1) not later than 18 months after the date on which such review was initiated.

(4) SAVINGS CLAUSE.—An individual approved to become an ODA unit member of a holder of a type certificate for a transport airplane under subsection (a) shall not be subject to the review under this subsection.

(h) PROHIBITION.—The Administrator may not authorize an organization or ODA holder to approve an individual selected by an ODA holder to become an ODA unit member under this section.

(i) DEFINITIONS.—

(1) GENERAL APPLICABILITY.—The definitions contained in section 44736(c) shall apply to this section.

(2) TRANSPORT AIRPLANE.—The term “transport airplane” means a transport category airplane designed for operation by an air carrier or foreign air carrier type-certificated with a passenger seating capacity of 30 or more or an all-cargo or combi derivative of such an airplane.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 2021 through 2023.

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§ 44745. Don Young Alaska Aviation Safety Initiative.

(a) *IN GENERAL.*—The Administrator of the Federal Aviation Administration shall redesignate the FAA Alaska Aviation Safety Initiative of the Administration as the Don Young Alaska Aviation Safety Initiative (in this section referred to as the “Initiative”), under which the Administrator shall carry out the provisions of this section and take such other actions as the Administrator determines appropriate to improve aviation safety in covered locations.

(b) *OBJECTIVE.*—The objective of the Initiative shall be to work cooperatively with aviation stakeholders and other stakeholders towards the goal of—

(1) reducing the rate of fatal aircraft accidents in covered locations by 90 percent from 2019 to 2033; and

(2) by January 1, 2033, eliminating fatal accidents of aircraft operated by an air carrier that operates under part 135 of title 14, Code of Federal Regulations.

(c) *LEADERSHIP.*—

(1) *IN GENERAL.*—The Administrator shall designate the Regional Administrator for the Alaskan Region of the Administration to serve as the Director of the Initiative.

(2) *REPORTING CHAIN.*—In all matters relating to the Initiative, the Director of the Initiative shall report directly to the Administrator.

(3) *COORDINATION.*—The Director of the Initiative shall coordinate with the heads of other offices and lines of business of the Administration, including the other regional administrators, to carry out the Initiative.

(d) *AUTOMATED WEATHER SYSTEMS.*—

(1) *REQUIREMENT.*—The Administrator shall ensure, to the greatest extent practicable, that a covered automated weather system is installed and operated at each covered airport not later than December 31, 2030.

(2) *WAIVER.*—In complying with the requirement under paragraph (1), the Administrator may waive any positive benefit-cost ratio requirement for the installation and operation of a covered automated weather system.

(3) *PRIORITIZATION.*—In developing the installation timeline of a covered automated weather system at a covered airport pursuant to this subsection, the Administrator shall—

(A) coordinate and consult with the governments with jurisdiction over covered locations, covered airports, air carriers operating in covered locations, private pilots based in covered locations, and such other members of the aviation community in covered locations; and

(B) prioritize early installation at covered airports that would enable the greatest number of instrument flight rule operations by air carriers operating under part 121 or 135 of title 14, Code of Federal Regulations.

(4) *RELIABILITY.*—

(A) *IN GENERAL.*—*Pertaining to both Federal and non-Federal systems, the Administrator shall be responsible for ensuring—*

(i) *the reliability of covered automated weather systems; and*

(ii) *the availability of weather information from such systems.*

(B) *SPECIFICATIONS.*—*The Administrator shall establish data availability and equipment reliability specifications for covered automated weather systems.*

(C) *SYSTEM RELIABILITY AND RESTORATION PLAN.*—*Not later than 2 years after the date of enactment of this section, the Administrator shall establish an automated weather system reliability and restoration plan. Such plan shall document the Administrator's strategy for ensuring covered automated weather system reliability, including the availability of weather information from such system, and for restoring service in as little time as possible.*

(D) *TELECOMMUNICATIONS OR OTHER FAILURES.*—*If a covered automated weather system is unable to broadly disseminate weather information due to a telecommunications failure or a failure other than an equipment failure, the Administrator shall take such actions as may be necessary to restore the full functionality and connectivity of the covered automated weather system. The Administrator shall take actions under this subparagraph with the same urgency as the Administrator would take an action to repair a covered automated weather system equipment failure or data fidelity issue.*

(E) *RELIABILITY DATA.*—*In tabulating data relating to the operational status of covered automated weather systems (including individually or collectively), the Administrator may not consider a covered automated weather system that is functioning nominally but is unable to broadly disseminate weather information telecommunications failure or a failure other than an equipment failure as functioning reliably.*

(5) *INVENTORY.*—*The Administrator shall consider storing excess inventory necessary for air traffic control equipment, including commonly required replacement parts, in covered locations to reduce the amount of time necessary to acquire such equipment or such parts necessary to replace or repair air traffic control system components.*

(6) *VISUAL WEATHER OBSERVATION SYSTEM.*—*Not later than 1 year after the date of enactment of this section, the Administrator shall take such actions as may be necessary to—*

(A) *deploy visual weather observation systems; and*

(B) *ensure that such systems are capable of meeting the definition of covered automated weather systems.*

(e) *WEATHER CAMERAS.*—

(1) *IN GENERAL.*—*The Director shall continuously assess the state of the weather camera systems in covered locations to ensure the operational sufficiency and reliability of such systems.*

(2) *APPLICATIONS.*—*The Director shall—*

(A) accept applications from persons to install weather cameras; and

(B) consult with the governments with jurisdiction over covered locations, covered airports, air carriers operating in covered locations, private pilots based in covered locations, and such other members of the aviation community in covered locations as the Administrator determines appropriate to solicit additional locations at which to install and operate weather cameras.

(3) *PRESUMPTION.*—Unless the Director has clear and compelling evidence to the contrary, the Director shall presume that the installation of a weather camera at a covered airport, or that is recommended by a government with jurisdiction over a covered location, is cost beneficial and will improve aviation safety.

(f) *COOPERATION WITH OTHER AGENCIES.*—In carrying out this section, the Administrator shall cooperate with the heads of other Federal or State agencies with responsibilities affecting aviation safety in covered locations, including the collection and dissemination of weather data.

(g) *SURVEILLANCE AND COMMUNICATION.*—

(1) *IN GENERAL.*—The Director shall take such actions as may be necessary to—

(A) encourage and incentivize the equipage of aircrafts that operate under part 135 of title 14, Code of Federal Regulations, with automatic dependent surveillance and broadcast out equipment; and

(B) improve aviation surveillance and communications in covered locations.

(2) *REQUIREMENT.*—Not later than December 31, 2030, the Administrator shall ensure that automatic dependent surveillance and broadcast coverage is available at 5,000 feet above ground level throughout each covered location.

(3) *WAIVER.*—In complying with the requirement under paragraph (2), the Administrator shall waive any positive benefit-cost ratio requirement for the installation and operation of equipment and facilities necessary to implement such requirement.

(4) *SERVICE AREAS.*—The Director shall continuously identify additional automatic dependent surveillance–broadcast service areas in which the deployment of automatic dependent surveillance–broadcast receivers and equipment would improve aviation safety.

(h) *OTHER PROJECTS.*—The Director shall continue to build upon other initiatives recommended in the reports of the FAA Alaska Aviation Safety Initiative of the Administration published before the date of enactment of this section.

(i) *ANNUAL REPORT.*—

(1) *IN GENERAL.*—The Director shall submit an annual report on the status and progress of the Initiative to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) *OBJECTIVES AND REQUIREMENTS.*—The report under paragraph (1) shall include a detailed description of the Director's

progress in and plans for meeting the objectives of the Initiative under subsection (b) and the other requirements of this section.

(3) *STAKEHOLDER COMMENTS.*—The Director shall append stakeholder comments, organized by topic, to each report submitted under paragraph (1) in the same manner as appendix 3 of the report titled “FAA Alaska Aviation Safety Initiative FY21 Final Report”, dated September 30, 2021.

(j) *FUNDING.*—

(1) *IN GENERAL.*—Notwithstanding any other provision of law, in fiscal years 2024 through 2028—

(A) the Administrator may, upon application from the government with jurisdiction over a covered location, use amounts apportioned to a covered location under subsection (d)(2)(B) or subsection (e)(5) of section 47114 to carry out the Initiative; or

(B) the sponsor of an airport in a covered location that receives an apportionment under subsection (d)(2)(B) or subsection (e) of section 47114 may use such apportionment for any purpose contained in this section.

(2) *SUPPLEMENTAL FUNDING.*—Out of amounts made available under section 106(k) and section 48101, not more than a total of \$25,000,000 for each of fiscal year 2024 through 2028 is authorized to be expended to carry out the Initiative.

(k) *DEFINITIONS.*—In this section:

(1) *COVERED AIRPORT.*—The term “covered airport” means an airport in a covered location that is included in the national plan of integrated airport systems required under section 47103 and that has a status other than unclassified in such plan.

(2) *COVERED AUTOMATED WEATHER SYSTEM.*—The term “covered automated weather system” means an automated or visual weather reporting facility that enables a pilot to begin an instrument procedure approach to an airport under section 91.1039 or 135.225 of title 14, Code of Federal Regulations.

(3) *COVERED LOCATION.*—The term “covered location” means Alaska, Hawaii, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, and the United States Virgin Islands.

§44746. Cockpit recording device

(a) *IN GENERAL.*—Not later than 18 months after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall complete a rulemaking proceeding to—

(1) require that, not later than 4 years after the date of enactment of this section, all applicable aircraft are fitted with a cockpit voice recorder and a flight data recorder that are each capable of recording the most recent 25 hours of data;

(2) prohibit any person from deliberately erasing or tampering with any recording on such a cockpit voice recorder or flight data recorder following a National Transportation Safety Board reportable event under part 830 of title 49, Code of Federal Regulations, and provide for civil and criminal penalties for such deliberate erasing or tampering, which may be assessed in accordance with section 1155 and section 32 of title 18;

(3) require that such a cockpit voice recorder has the capability for an operator to use an erasure feature, such as an installed bulk erase function, consistent with applicable law and regulations;

(4) require that, in the case of such a cockpit voice recorder or flight data recorder that uses a solid state recording medium in which activation of a bulk erase function assigns a random discrete code to the deleted recording, only the manufacturer of the recorder and National Transportation Safety Board have access to the software necessary to determine the code in order to extract the deleted recorded data; and

(5) ensure that data on such a cockpit voice recorder or a flight data recorder, through technical means other than encryption (such as overwriting or the substitution of a blank recording medium before the recorder is returned to the owner) is not disclosed for use other than for accident or incident investigation purposes.

(b) *PROHIBITED USE.*—A cockpit voice recorder recording shall not be used by the Administrator or any employer for any certificate action, civil penalty, or disciplinary proceedings against flight crewmembers.

(c) *APPLICABLE AIRCRAFT DEFINED.*—In this section, the term “applicable aircraft” means an aircraft that is—

(1) operated under part 121 of title 14, Code of Federal Regulations; and

(2) required by regulation to have a cockpit voice recorder or a flight data recorder.

§ 44747. Aircraft dispatching

(a) *AIRCRAFT DISPATCHING CERTIFICATE.*—No person may serve as an aircraft dispatcher for an air carrier unless that person holds the appropriate aircraft dispatcher certificate issued by the Administrator of the Federal Aviation Administration.

(b) *PROOF OF CERTIFICATE.*—Upon the request of the Administrator or an authorized representative of the National Transportation Safety Board, or other appropriate Federal agency, a person who holds such a certificate, and is performing dispatching shall present the certificate for inspection.

(c) *DISPATCH CENTERS AND FLIGHT FOLLOWING CENTERS.*—

(1) *ESTABLISHMENT.*—Air carriers shall establish and maintain sufficient dispatch centers and flight following centers necessary to maintain operational control of each flight at all times.

(2) *REQUIREMENTS.*—Air carrier dispatch centers and flight following centers shall—

(A) have a sufficient number of aircraft dispatchers at dispatch centers and flight following centers to ensure proper operational control of each flight at all times;

(B) have the equipment necessary and in good repair to maintain proper operational control of each flight at all times; and

(C) include appropriate physical and cybersecurity protections, as determined by the Administrator.

(3) *LOCATION LIMITATION.*—No air carrier may dispatch aircraft from any location other than the designated dispatch centers or flight following centers of such air carrier.

(d) *EMERGENCY AUTHORITY FOR REMOTE DISPATCHING.*—Notwithstanding subsection (c), an air carrier may dispatch aircraft from locations other than from designated dispatch centers or flight following centers for a limited period of time in the event of an emergency or other event that renders a center inoperable. An air carrier may not dispatch aircraft under the emergency authority under this subsection for longer than 30 consecutive days without the approval of the Administrator.

CHAPTER 448—UNMANNED AIRCRAFT SYSTEMS

Sec.

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[44804. Small unmanned aircraft in the Arctic.]
44804. *Unmanned aircraft in the Arctic.*

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[44806. Public unmanned aircraft systems.]
44806. *Public unmanned aircraft systems and public safety use of unmanned aircraft systems.*

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§ 44801. Definitions

In this chapter, the following definitions apply:

(1) **ACTIVELY TETHERED UNMANNED AIRCRAFT SYSTEM.**—The term “actively tethered unmanned aircraft system” means an unmanned aircraft system in which the unmanned aircraft component—

(A) weighs 4.4 pounds or less, including payload but not including the tether;

(B) is physically attached to a ground station with a taut, appropriately load-rated tether that provides continuous power to the unmanned aircraft and is unlikely to be separated from the unmanned aircraft; **[and]**

(C) is controlled and retrieved by such ground station through physical manipulation of the tether**[.];**

(D) *is able to maintain safe flight control in the event of a power or flight control failure during flight; and*

(E) *is programmed to initiate a controlled landing in the event of a tether separation.*

(2) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(3) **ARCTIC.**—The term “Arctic” means the United States zone of the Chukchi Sea, Beaufort Sea, and Bering Sea north of the Aleutian chain.

(4) **CERTIFICATE OF WAIVER; CERTIFICATE OF AUTHORIZATION.**—The terms “certificate of waiver” and “certificate of authorization” mean a Federal Aviation Administration grant of approval for a specific flight operation.

(5) COUNTER-UAS SYSTEM.—The term “counter-UAS system” means a system or device capable of lawfully and safely disabling, disrupting, or seizing control of an unmanned aircraft or unmanned aircraft system.

(6) PERMANENT AREAS.—The term “permanent areas” means areas on land or water that provide for launch, recovery, and operation of small unmanned aircraft.

(7) PUBLIC UNMANNED AIRCRAFT SYSTEM.—The term “public unmanned aircraft system” means an unmanned aircraft system that meets the qualifications and conditions required for operation of a public aircraft.

(8) SENSE AND AVOID CAPABILITY.—The term “sense and avoid capability” means the capability of an unmanned aircraft to remain a safe distance from and to avoid collisions with other airborne aircraft, structures on the ground, and other objects.

(9) SMALL UNMANNED AIRCRAFT.—The term “small unmanned aircraft” means an unmanned aircraft weighing less than 55 pounds, including the weight of anything attached to or carried by the aircraft.

(10) TEST RANGE.—The term “test range” means a defined geographic area where research and development are conducted as authorized by the Administrator of the Federal Aviation Administration, and includes [any of the 6 test ranges established by the Administrator under section 332(c) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note), as in effect on the day before the date of enactment of the FAA Reauthorization Act of 2018, and any public entity authorized by the Federal Aviation Administration as an unmanned aircraft system flight test center before January 1, 2009] *the test ranges established by the Administrator under section 44803.*

(11) UNMANNED AIRCRAFT.—The term “unmanned aircraft” means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

(12) UNMANNED AIRCRAFT SYSTEM.—The term “unmanned aircraft system” means an unmanned aircraft and associated elements (including communication links and the components that control the unmanned aircraft) that are required for the operator to operate safely and efficiently in the national airspace system.

(13) UTM.—The term “UTM” means an unmanned aircraft system traffic management system or service.”

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[§ 44803. Unmanned aircraft test ranges

[(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall carry out and update, as appropriate, a program for the use of the test ranges to facilitate the safe integration of unmanned aircraft systems into the national airspace system.

[(b) PROGRAM REQUIREMENTS.—In carrying out the program under subsection (a), the Administrator shall—

[(1) designate airspace for safely testing the integration of unmanned flight operations in the national airspace system;

[(2) develop operational standards and air traffic requirements for unmanned flight operations at test ranges;

[(3) coordinate with, and leverage the resources of, the National Aeronautics and Space Administration and the Department of Defense;

[(4) address both civil and public unmanned aircraft systems;

[(5) ensure that the program is coordinated with relevant aspects of the Next Generation Air Transportation System;

[(6) provide for verification of the safety of unmanned aircraft systems and related navigation procedures as it relates to continued development of standards for integration into the national airspace system;

[(7) engage test range operators, as necessary and within available resources, in projects for research, development, testing, and evaluation of unmanned aircraft systems to facilitate the Federal Aviation Administration's development of standards for the safe integration of unmanned aircraft into the national airspace system, which may include solutions for—

[(A) developing and enforcing geographic and altitude limitations;

[(B) providing for alerts by the manufacturer of an unmanned aircraft system regarding any hazards or limitations on flight, including prohibition on flight as necessary;

[(C) sense and avoid capabilities;

[(D) beyond-visual-line-of-sight operations, nighttime operations, operations over people, operation of multiple small unmanned aircraft systems, and unmanned aircraft systems traffic management, or other critical research priorities; and

[(E) improving privacy protections through the use of advances in unmanned aircraft systems technology;

[(8) coordinate periodically with all test range operators to ensure test range operators know which data should be collected, what procedures should be followed, and what research would advance efforts to safely integrate unmanned aircraft systems into the national airspace system;

[(9) streamline to the extent practicable the approval process for test ranges when processing unmanned aircraft certificates of waiver or authorization for operations at the test sites;

[(10) require each test range operator to protect proprietary technology, sensitive data, or sensitive research of any civil or private entity when using that test range without the need to obtain an experimental or special airworthiness certificate;

[(11) allow test range operators to receive Federal funding, other than from the Federal Aviation Administration, including in-kind contributions, from test range participants in the furtherance of research, development, and testing objectives.

[(c) WAIVERS.—In carrying out this section the Administrator may waive the requirements of section 44711 of title 49, United States Code, including related regulations, to the extent consistent with aviation safety.

[(d) REVIEW OF OPERATIONS BY TEST RANGE OPERATORS.—The operator of each test range under subsection (a) shall—

[(1) review the operations of unmanned aircraft systems conducted at the test range, including—

[(A) ongoing or completed research; and

[(B) data regarding operations by private and public operators; and

[(2) submit to the Administrator, in such form and manner as specified by the Administrator, the results of the review, including recommendations to further enable private research and development operations at the test ranges that contribute to the Federal Aviation Administration's safe integration system of unmanned aircraft systems into the national airspace system, on a quarterly basis until the program terminates.

[(e) TESTING.—The Secretary of Transportation may authorize an operator of a test range described in subsection (a) to administer testing requirements established by the Administrator for unmanned aircraft systems operations.

[(f) COLLABORATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.—The Administrator may use the other transaction authority under section 106(l)(6) and enter into collaborative research and development agreements, to direct research related to unmanned aircraft systems, including at any test range under subsection (a), and in coordination with the Center of Excellence for Unmanned Aircraft Systems.

[(g) USE OF CENTER OF EXCELLENCE FOR UNMANNED AIRCRAFT SYSTEMS.—The Administrator, in carrying out research necessary to implement the consensus safety standards requirements in section 44805 shall, to the maximum extent practicable, leverage the research and testing capacity and capabilities of the Center of Excellence for Unmanned Aircraft Systems and the test ranges.

[(h) TERMINATION.—The program under this section shall terminate on September 30, 2023.]

§ 44803. Unmanned aircraft system test ranges

(a) *IN GENERAL.*—The Administrator of the Federal Aviation Administration shall carry out and update, as appropriate, a program to enable a broad variety of testing and evaluation activities at unmanned aircraft system test ranges, as in effect on the day before the date of enactment of the Securing Growth and Robust Leadership in American Aviation Act, to the extent consistent with aviation safety and efficiency, and for purposes of the safe integration of unmanned aircraft systems into the national airspace system.

(b) *AIRSPACE REQUIREMENTS.*—In carrying out the program under subsection (a)—

(1) the Administrator may establish nonregulatory special use airspace areas upon the request of a test range sponsor selected by the Administrator under subsection (a), for purposes of accommodating hazardous testing and evaluation activities to inform the safe integration of unmanned aircraft systems into the national airspace system, or for purposes of other activities authorized by the Administrator under subsection (g);

(2) each selected test range sponsor for a designated test range shall be considered the using agency for purposes of the respective nonregulatory special use airspace areas established by the Administrator under this section; and

(3) the Administrator may require that each selected test range sponsor for a designated test range provide a draft environmental review consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), subject to the super-

vision and adoption of the Administrator, with respect to any request for the establishment of a nonregulatory special use airspace area under this section.

(c) **PROGRAM REQUIREMENT.**—In carrying out the program under subsection (a), the Administrator—

(1) may develop operational standards and air traffic requirements for flight operations at test ranges;

(2) shall coordinate with, and leverage the resources of, other Federal agencies, as the Administrator considers appropriate;

(3) shall address both civil and public aircraft operations;

(4) shall provide for verification of the safety of flight systems and related navigation procedures as it relates to continued development of standards for integration into the national airspace system;

(5) shall engage test range sponsors, as necessary and within available resources, in projects for testing and evaluation of flight systems to facilitate the validation of standards by the Administration for the safe integration of unmanned aircraft systems into the national airspace system, which may include solutions for—

(A) developing and enforcing geographic and altitude limitations;

(B) providing for alerts regarding any hazards or limitations on flight, including prohibitions on flight;

(C) sense and avoid capabilities;

(D) technology to support communications, navigation, and surveillance;

(E) unmanned aircraft system operations beyond visual line of sight, at nighttime, or over people;

(F) operation of multiple unmanned aircraft systems by a single remote pilot;

(G) unmanned aircraft systems traffic management capabilities or services;

(H) counter unmanned aircraft system capabilities;

(I) improving privacy protections through the use of advances in unmanned aircraft systems; and

(J) other critical priority areas for which testing and evaluation is needed.

(6) shall coordinate periodically with all test range sponsors to ensure test range sponsors know which data should be collected, how data can be de-identified to flow more readily to the Administration, what procedures should be followed, and what testing and evaluations would advance efforts to safely integrate unmanned aircraft systems into the national airspace system; and

(7) shall allow test range sponsors to receive Federal funding, other than from the Federal Aviation Administration, including in-kind contributions, from test range participants in the furtherance of testing and evaluation objectives.

(d) **EXEMPTION.**—Except as provided in subsection (g), the requirements of section 44711, including related implementing regulations, shall not apply to persons approved by the test range sponsor for operation at a designated test range under this section.

(e) **RESPONSIBILITIES OF TEST RANGE SPONSOR.**—The sponsor of each test range under subsection (a) shall—

(1) provide access to all interested private and public entities seeking to carry out testing and evaluation activities at the test range designated pursuant to this section, to the greatest extent practicable, consistent with safety and any operating procedures established by the test range sponsor, including access by small business concerns (as that term is described in section 3(a) of the Small Business Act (15 U.S.C. 632(a));

(2) ensure all activities remain within the geographical boundaries and altitude limitations established for the non-regulatory special use airspace area covering the test range;

(3) ensure no activity is conducted at the designated test range in a careless or reckless manner;

(4) establish safe operating procedures for all operators approved for activities at the test range, including provisions for maintaining operational control and ensuring protection of persons and property on the ground, subject to approval by the Administrator;

(5) exercise direct oversight of all operations conducted at the test range;

(6) consult with the Administrator on the nature of planned activities at the test range and whether temporary segregation through the use of a nonregulatory special use airspace area is required to contain such activities is consistent with aviation safety;

(7) protect proprietary technology, sensitive data, or sensitive research of any civil or private entity when using the test range;

(8) maintain detailed records of all ongoing and completed testing and evaluation activities conducted at the test range and all operators conducting such activities, for inspection by, and reporting to, the Administrator, as required by agreement between the Administrator and the test range sponsor;

(9) make all original records available for inspection upon request by the Administrator; and

(10) provide recommendations to the Administrator to further enable public and private testing and evaluation activities at the test ranges that contribute to the safe integration of unmanned aircraft systems by the Administration into the national airspace system, on a quarterly basis until the program terminates.

(f) TESTING.—

(1) IN GENERAL.—The Administrator may authorize a sponsor of a test range designated under subsection (a) to host testing and evaluation activities other than those directly related to the integration of unmanned aircraft systems into the national airspace system, provided that the activity is necessary to inform the development of standards or policy for integrating new types of flight systems into the national airspace system.

(2) WAIVER.—In carrying out this subsection, the Administrator may waive the requirements of section 44711, including related regulations, to the extent consistent with aviation safety.

(g) AGREEMENTS.—The Administrator may use the transaction authority under section 106(l)(6) to enter into appropriate agreements to direct testing and evaluation activities related to unmanned aircraft systems at any test range designated under subsection (a).

(h) *TERMINATION.*—The program under this section shall terminate on September 30, 2028.

§ 44804. [Small unmanned] Unmanned aircraft in the Arctic

(a) *IN GENERAL.*—The Secretary of Transportation shall develop a plan and initiate a process to work with relevant Federal agencies and national and international communities to designate permanent areas in the Arctic where [small] unmanned aircraft may operate 24 hours per day for research and commercial purposes.

(b) *PLAN CONTENTS.*—The plan under subsection (a) shall include the development of processes to facilitate the safe operation of [small] unmanned aircraft beyond the visual line of sight.

(c) *REQUIREMENTS.*—Each permanent area designated under subsection (a) shall enable over-water flights from the surface to at least 2,000 feet in altitude, with ingress and egress routes from selected coastal launch sites.

(d) *AGREEMENTS.*—To implement the plan under subsection (a), the Secretary may enter into an agreement with relevant national and international communities.

(e) *AIRCRAFT APPROVAL.*—

(1) *IN GENERAL.*—Subject to paragraph (2), not later than 1 year after the entry into force of an agreement necessary to effectuate the purposes of this section, the Secretary shall work with relevant national and international communities to establish and implement a process for approving the use of a [small] unmanned aircraft in the designated permanent areas in the Arctic without regard to whether the [small] unmanned aircraft is used as a public aircraft, a civil aircraft, or a model aircraft.

(2) *EXISTING PROCESS.*—The Secretary may implement an existing process to meet the requirements under paragraph (1).

* * * * *

§ 44806. Public unmanned aircraft systems and public safety use of unmanned aircraft systems

(a) *GUIDANCE.*—The Secretary of Transportation shall issue guidance regarding the operation of a public unmanned aircraft system—

(1) to streamline and expedite the process for the issuance of a certificate of authorization or a certificate of waiver;

(2) to facilitate the capability of public agencies to develop and use test ranges, subject to operating restrictions required by the Federal Aviation Administration, to test and operate public unmanned aircraft systems; and

(3) to provide guidance on a public agency's responsibilities when operating an unmanned aircraft without a civil airworthiness certificate issued by the Administration.

(b) *AGREEMENTS WITH GOVERNMENT AGENCIES.*—

(1) *IN GENERAL.*—The Secretary shall enter into an agreement with each appropriate public agency to simplify the process for issuing a certificate of waiver or a certificate of authorization with respect to an application for authorization to operate a public unmanned aircraft system in the national airspace system.

(2) CONTENTS.—An agreement under paragraph (1) shall—
 (A) with respect to an application described in paragraph (1)—

- (1)—
- (i) provide for an expedited review of the application;
 - (ii) require a decision by the Administrator on approval or disapproval not later than 60 business days after the date of submission of the application; and
 - (iii) allow for an expedited appeal if the application is disapproved;

(B) allow for a one-time approval of similar operations carried out during a fixed period of time; and

(C) allow a government public safety agency to operate an unmanned aircraft weighing 4.4 pounds or less if that unmanned aircraft is operated—

- (i) within or beyond the visual line of sight of the operator;
- (ii) less than 400 feet above the ground;
- (iii) during daylight conditions;
- (iv) within Class G airspace; and
- (v) outside of 5 statute miles from any airport, heliport, seaplane base, spaceport, or other location with aviation activities.

(c) PUBLIC SAFETY USE OF ACTIVELY TETHERED UNMANNED AIRCRAFT SYSTEMS.—

(1) IN GENERAL.—[Not later than 180 days after the date of enactment of this Act, the] *The* Administrator of the Federal Aviation Administration shall [permit the use of] *permit*, and may issue guidance regarding, the use of [public] actively tethered unmanned aircraft systems *by a public safety organization for such systems* that are—

[(A) operated at an altitude of less than 150 feet above ground level;

[(B) operated—

[(i) within class G airspace; or

[(ii) at or below the ceiling depicted on the Federal Aviation Administration’s published UAS facility maps for class B, C, D, or E surface area airspace;]

(A) *operated—*

(i) at or below an altitude of 150 feet above ground level within class B, C, D, E, or G airspace, but not at a greater altitude than the ceiling depicted on the UAS facility maps published by the Federal Aviation Administration, where applicable;

(ii) within zero-grid airspaces as depicted on such UAS facility maps, only if operated in life-saving or emergency situations and with prior notification to the Administration in a manner determined by the Administrator; or

(iii) above 150 feet above ground level within class B, C, D, E, or G airspace only with prior authorization from the Administrator;

[(C)] (B) not flown directly over non-participating persons;

[(D)] (C) operated within visual line of sight of the operator; and

[(E)] (D) operated in a manner that does not interfere with and gives way to any other aircraft.

(2) REQUIREMENTS.—Public actively tethered unmanned aircraft systems may be operated—

(A) without any requirement to obtain a certificate of authorization, certificate of waiver, or other approval by the Federal Aviation Administration;

(B) without requiring airman certification under section 44703 of this title or any rule or regulation relating to airman certification; and

(C) without requiring airworthiness certification under section 44704 of this title or any rule or regulation relating to aircraft certification.

(3) SAFETY STANDARDS.—[Public actively] *Actively* tethered unmanned aircraft systems operated within the scope of the guidance issued pursuant to paragraph (1) shall be exempt from the requirements of section 44805 of this title.

(4) SAVINGS PROVISION.—Nothing in this subsection shall be construed to preclude the Administrator of the Federal Aviation Administration from issuing new regulations for public actively tethered unmanned aircraft systems in order to ensure the safety of the national airspace system.

(d) FEDERAL AGENCY COORDINATION TO ENHANCE THE PUBLIC HEALTH AND SAFETY CAPABILITIES OF PUBLIC UNMANNED AIRCRAFT SYSTEMS.—The Administrator shall assist Federal civilian Government agencies that operate unmanned aircraft systems within civil-controlled airspace, in operationally deploying and integrating sense and avoid capabilities, as necessary to operate unmanned aircraft systems safely within the national airspace system.

(e) DEFINITION.—*In this section, the term “public safety organization” means an entity that primarily engages in activities related to the safety and well-being of the general public, including law enforcement, fire departments, emergency medical services, and other organizations that protect and serve the public in matters of safety and security.*

§ 44807. Special authority for certain unmanned aircraft systems

(a) IN GENERAL.—Notwithstanding any other requirement of this chapter or chapter 447, [the Secretary of Transportation] *the Administrator of the Federal Aviation Administration* shall use a risk-based approach to determine [if certain] *how* unmanned aircraft systems may operate safely in the national airspace system notwithstanding completion of the comprehensive plan and rule-making required by section 44802 or the guidance required by section 44806.

(b) ASSESSMENT OF UNMANNED AIRCRAFT SYSTEMS.—In making the determination under subsection (a), [the Secretary] *the Administrator* shall determine, at a minimum—

(1) [which types of unmanned aircraft systems, if any, as a result of their size] *how the unmanned aircraft, as a result of such aircraft’s size, weight, speed, operational capability, proximity to airports and populated areas, operation over people, and operation within or beyond the visual line of sight, or operation during the day or night, [do not create] does not create*

a hazard to users of the national airspace system or the public; and

(2) whether a certificate under section 44703 or section 44704 of this title, or a certificate of waiver or certificate of authorization, is required for the operation of unmanned aircraft systems identified under paragraph (1) of this subsection.

[(c) REQUIREMENTS FOR SAFE OPERATION.—If the Secretary determines under this section that certain unmanned aircraft systems may operate safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft systems in the national airspace system, including operation related to research, development, and testing of proprietary systems.]

(c) REQUIREMENTS FOR SAFE OPERATION.—

(1) IN GENERAL.—*For unmanned aircraft systems that the Administrator determines under this section may operate safely in the national airspace system, the Administrator shall establish risk-based requirements, or a process to accept risk-based proposed requirements, for the safe operation of such aircraft systems in the national airspace system, including operation related to testing and evaluation of proprietary systems.*

(2) TREATMENT OF MITIGATION MEASURES.—*To the extent that a proposed operation will be conducted exclusively within the airspace of a Mode C Veil during the entirety of the operation, such operation shall be treated as satisfying the requirements of section 91.113(b) of title 14, Code of Federal Regulations, so long as the operation employs—*

(A) ADS-B In-based detect and avoid capabilities;

(B) air traffic control communication and coordination; and

(C) aeronautical information management systems to notify other aircraft operators of such operations.

(3) RULE OF CONSTRUCTION.—*Nothing in this subsection shall be construed to give an unmanned aircraft operating pursuant to this section the right of way over a manned aircraft.*

(d) SUNSET.—The authority under this section for the Secretary to determine if certain unmanned aircraft systems may operate safely in the national airspace system terminates effective September 30, [2023] 2033.

(e) LIMITATION.—*In making determinations under this section, the Administrator may not consider unmanned aircraft systems to the extent that such systems may meet the requirements of established regulations applicable to the proposed operation of a system.*

(f) EXEMPTION.—*The Administrator may exercise the authorities described in this section without requiring a rulemaking or imposing the requirements of part 11 of title 14, Code of Federal Regulations, to the extent consistent with aviation safety.*

* * * * *

§ 44809. Exception for limited recreational operations of unmanned aircraft

(a) IN GENERAL.—Except as provided in subsection (e), and notwithstanding chapter 447 of title 49, United States Code, a person may operate a small unmanned aircraft without specific certifi-

cation or operating authority from the Federal Aviation Administration if the operation adheres to all of the following limitations:

(1) The aircraft is flown strictly for recreational purposes.

(2) The aircraft is operated in accordance with or within the programming of a community-based organization's set of safety guidelines that are developed in coordination with the Federal Aviation Administration.

(3) The aircraft is flown within the visual line of sight of the person operating the aircraft or a visual observer co-located and in direct communication with the operator.

(4) The aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft.

(5) In Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport, the operator obtains prior authorization from the Administrator or designee before operating and complies with all airspace restrictions and prohibitions.

【(6) In Class G airspace, the aircraft is flown from the surface to not more than 400 feet above ground level and complies with all airspace restrictions and prohibitions.】

(6) Except for circumstances when the Administrator establishes alternative altitude ceilings or as otherwise authorized in section (c), in Class G airspace, the aircraft is flown from the surface to not more than 400 feet above ground level and complies with all airspace and flight restrictions and prohibitions established under this subtitle, such as special use airspace designations and temporary flight restrictions.

(7) The operator has passed an aeronautical knowledge and safety test described in subsection (g) and maintains proof of test passage to be made available to the Administrator or law enforcement upon request.

(8) The aircraft is registered and marked in accordance with chapter 441 of this title and proof of registration is made available to the Administrator or a designee of the Administrator or law enforcement upon request.

(b) OTHER OPERATIONS.—Unmanned aircraft operations that do not conform to the limitations in subsection (a) must comply with all statutes and regulations generally applicable to unmanned aircraft and unmanned aircraft systems.

【(c) OPERATIONS AT FIXED SITES.—

【(1) OPERATING PROCEDURE REQUIRED.—Persons operating unmanned aircraft under subsection (a) from a fixed site within Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport, or a community-based organization conducting a sanctioned event within such airspace, shall make the location of the fixed site known to the Administrator and shall establish a mutually agreed upon operating procedure with the air traffic control facility.

【(2) UNMANNED AIRCRAFT WEIGHING MORE THAN 55 POUNDS.—A person may operate an unmanned aircraft weighing more than 55 pounds, including the weight of anything attached to or carried by the aircraft, under subsection (a) if—

[(A) the unmanned aircraft complies with standards and limitations developed by a community-based organization and approved by the Administrator; and

[(B) the aircraft is operated from a fixed site as described in paragraph (1).]

(c) OPERATIONS AT FIXED SITES.—

(1) IN GENERAL.—*The Administrator shall establish a process to approve, and publicly disseminate the location of, fixed sites at which a person may carry out recreational unmanned aircraft system operations.*

(2) OPERATING PROCEDURES.—

(A) CONTROLLED AIRSPACE.—*Persons operating unmanned aircraft under paragraph (1) from a fixed site within Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport, or a community-based organization sponsoring operations within such airspace, shall make the location of the fixed site known to the Administrator and shall establish a mutually agreed upon operating procedure with the air traffic control facility.*

(B) ALTITUDE.—*The Administrator, in coordination with community-based organizations sponsoring operations at fixed sites, shall develop a process to approve requests for recreational unmanned aircraft systems operations at fixed sites that exceed the maximum altitude contained in a UAS Facility Map.*

(C) CLASS G AIRSPACE.—*Subject to compliance with all airspace and flight restrictions and prohibitions established under this subtitle, such as special use airspace designations and temporary flight restrictions, persons operating drones under paragraph (1) from a fixed site at which the operations are sponsored by a community-based organization may operate within Class G airspace—*

(i) up to 400 feet above ground level, without prior authorization from the Administrator; and

(ii) above 400 feet above ground level, with prior authorization from the Administrator.

(3) UNMANNED AIRCRAFT WEIGHING 55 POUNDS OR GREATER.—*A person may operate an unmanned aircraft weighing 55 pounds or greater, including the weight of anything attached to or carried by the aircraft, under paragraph (1) if—*

(A) the unmanned aircraft complies with standards and limitations developed by a community-based organization and approved by the Administrator; and

(B) the aircraft is operated from a fixed site as described in paragraph (1).

(4) FAA-RECOGNIZED IDENTIFICATION AREAS.—*In implementing subpart C of part 89 of title 14, Code of Federal Regulations, the Administrator shall prioritize the review and adjudication of requests to establish FAA Recognized Identification Areas at fixed sites established under this section.*

(d)(d) [UPDATES.] SAVINGS CLAUSE.—

[(1) IN GENERAL.—The Administrator, in consultation with government, stakeholders, and community-based organizations,

shall initiate a process to periodically update the operational parameters under subsection (a), as appropriate.

[(2) CONSIDERATIONS.—In updating an operational parameter under paragraph (1), the Administrator shall consider—

[(A) appropriate operational limitations to mitigate risks to aviation safety and national security, including risk to the uninvolved public and critical infrastructure;

[(B) operations outside the membership, guidelines, and programming of a community-based organization;

[(C) physical characteristics, technical standards, and classes of aircraft operating under this section;

[(D) trends in use, enforcement, or incidents involving unmanned aircraft systems;

[(E) ensuring, to the greatest extent practicable, that updates to the operational parameters correspond to, and leverage, advances in technology; and

[(F) equipage requirements that facilitate safe, efficient, and secure operations and further integrate all unmanned aircraft into the national airspace system.]

[(3) SAVINGS CLAUSE.—]Nothing in this subsection shall be construed as expanding the authority of the Administrator to require a person operating an unmanned aircraft under this section to seek permissive authority of the Administrator, beyond that required in [subsection (a) of] this section, prior to operation in the national airspace system.

(e) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Administrator to pursue an enforcement action against a person operating any unmanned aircraft who endangers the safety of the national airspace system.

(f) EXCEPTIONS.—Nothing in this section prohibits the Administrator from promulgating rules generally applicable to unmanned aircraft, including those unmanned aircraft eligible for the exception set forth in this section, relating to—

(1) [updates to] the operational parameters for unmanned aircraft in subsection (a);

(2) the registration and marking of unmanned aircraft;

(3) the standards for remotely identifying owners and operators of unmanned aircraft systems and associated unmanned aircraft; and

(4) other standards consistent with maintaining the safety and security of the national airspace system.

(g) AERONAUTICAL KNOWLEDGE AND SAFETY TEST.—

[(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Administrator, in consultation with manufacturers of unmanned aircraft systems, other industry stakeholders, and community-based organizations, shall develop an aeronautical knowledge and safety test, which can then be administered electronically by the Administrator, a community-based organization, or a person designated by the Administrator.]

(1) IN GENERAL.—The Administrator, in consultation with manufacturers of unmanned aircraft systems, community-based organizations, and other industry stakeholders, shall develop, maintain, and update, as necessary, an aeronautical knowledge

and safety test. Such test shall be administered electronically by the Administrator or a person designated by the Administrator.

(2) REQUIREMENTS.—The Administrator shall ensure the aeronautical knowledge and safety test is designed to adequately demonstrate an operator’s—

(A) understanding of aeronautical safety knowledge; and

(B) knowledge of Federal Aviation Administration regulations and requirements pertaining to the operation of an unmanned aircraft system in the national airspace system.

(h) COMMUNITY-BASED ORGANIZATION DEFINED.—In this section, the term “community-based organization” means a membership-based association entity that—

(1) *is recognized by the Administrator of the Federal Aviation Administration;*

[(1)] (2) is described in section 501(c)(3) of the Internal Revenue Code of 1986;

[(2)] (3) is exempt from tax under section 501(a) of the Internal Revenue Code of 1986;

[(3)] (4) the mission of which is demonstrably the furtherance of model aviation;

[(4)] (5) provides a comprehensive set of safety guidelines for all aspects of model aviation addressing the assembly and operation of model aircraft and that emphasize safe aeromodelling operations within the national airspace system and the protection and safety of individuals and property on the ground, and may provide a comprehensive set of safety rules and programming for the operation of unmanned aircraft that have the advanced flight capabilities enabling active, sustained, and controlled navigation of the aircraft beyond visual line of sight of the operator;

[(5)] (6) provides programming and support for any local charter organizations, affiliates, or clubs; and

[(6)] (7) provides assistance and support in the development and operation of locally designated model aircraft flying sites.

(i) RECOGNITION OF COMMUNITY-BASED ORGANIZATIONS.—In collaboration with aeromodelling stakeholders, the Administrator shall publish an advisory circular within 180 days of the date of enactment of this section that identifies the criteria and process required for recognition of community-based organizations.

§ 44810. Airport safety and airspace hazard mitigation and enforcement

(a) COORDINATION.—The Administrator of the Federal Aviation Administration shall work with the Secretary of Defense, the Secretary of Homeland Security, and the heads of other relevant Federal departments and agencies for the purpose of ensuring that technologies or systems that are developed, tested, or deployed by Federal departments and agencies to detect and mitigate potential risks posed by errant or hostile unmanned aircraft system operations do not adversely impact or interfere with safe airport operations, navigation, air traffic services, or the safe and efficient operation of the national airspace system.

(b) PLAN.—

(1) IN GENERAL.—The Administrator shall develop a plan for the certification, permitting, authorizing, or allowing of the de-

ployment of technologies or systems for the detection and mitigation of unmanned aircraft systems.

(2) CONTENTS.—The plan shall provide for the development of policies, procedures, or protocols that will allow appropriate officials of the Federal Aviation Administration to utilize such technologies or systems to take steps to detect and mitigate potential airspace safety risks posed by unmanned aircraft system operations.

(3) AVIATION RULEMAKING COMMITTEE.—The Administrator shall charter an aviation rulemaking committee to make recommendations for such a plan and any standards that the Administrator determines may need to be developed with respect to such technologies or systems. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to an aviation rulemaking committee chartered under this paragraph.

(4) NON-DELEGATION.—The plan shall not delegate any authority granted to the Administrator under this section to other Federal, State, local, territorial, or tribal agencies, or an airport sponsor, as defined in section 47102 of title 49, United States Code.

(c) AIRSPACE HAZARD MITIGATION PROGRAM.—In order to test and evaluate technologies or systems that detect and mitigate potential aviation safety risks posed by unmanned aircraft, the Administrator shall deploy such technologies or systems at 5 airports, including 1 airport that ranks in the top 10 of the FAA's most recent Passenger Boarding Data.

(d) AUTHORITY.—Under the testing and evaluation in subsection (c), the Administrator shall use unmanned aircraft detection and mitigation systems to detect and mitigate the unauthorized operation of an unmanned aircraft that poses a risk to aviation safety.

(e) AIP FUNDING ELIGIBILITY.—Upon the certification, permitting, authorizing, or allowing of such technologies and systems that have been successfully tested under this section, an airport sponsor may apply for a grant under subchapter I of chapter 471 to purchase an unmanned aircraft detection and mitigation system. For purposes of this subsection, purchasing an unmanned aircraft detection and mitigation system shall be considered airport development (as defined in section 47102).

(f) BRIEFING.—The Administrator shall annually brief the appropriate committees of Congress, including the Committee on Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, on the implementation of this section.

(g) APPLICABILITY OF OTHER LAWS.—Section 46502 of this title, section 32 of title 18, United States Code (commonly known as the Aircraft Sabotage Act), section 1031 of title 18, United States Code (commonly known as the Computer Fraud and Abuse Act of 1986),¹ sections 2510–2522 of title 18, United States Code (commonly known as the Wiretap Act), and sections 3121–3127 of title 18, United States Code (commonly known as the Pen/Trap Statute), shall not apply to activities authorized by the Administrator pursuant to subsection (c) and (d).

(h) SUNSET.—This section ceases to be effective September 30, [2023] 2028.

(i) NON-DELEGATION.—The Administrator shall not delegate any authority granted to the Administrator under this section to other

Federal, State, local, territorial, or tribal agencies, or an airport sponsor, as defined in section 47102 of title 49, United States Code. The Administrator may partner with other Federal agencies under this section, subject to any restrictions contained in such agencies' authority to operate counter unmanned aircraft systems.

CHAPTER 449—SECURITY

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SUBCHAPTER I—REQUIREMENTS

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§ 44918. Crew training

(a) BASIC SECURITY TRAINING.—

(1) IN GENERAL.—Each air carrier providing scheduled passenger air transportation shall carry out a training program for flight and cabin crew members to prepare the crew members for potential threat conditions.

(2) PROGRAM ELEMENTS.—An air carrier training program under this subsection shall include, at a minimum, elements that address each of the following:

(A) Recognizing suspicious activities and determining the seriousness of any occurrence.

(B) Crew communication and coordination.

(C) The proper commands to give passengers and attackers.

(D) Appropriate responses to defend oneself.

(E) Use of protective devices assigned to crew members (to the extent such devices are required by the Administrator of the Federal Aviation Administration or the Administrator of the Transportation Security Administration).

(F) Psychology of terrorists to cope with hijacker behavior and passenger responses.

(G) Situational training exercises regarding various threat conditions.

(H) Flight deck procedures or aircraft maneuvers to defend the aircraft and cabin crew responses to such procedures and maneuvers.

(I) The proper conduct of a cabin search, including explosive device recognition.

(J) Any other subject matter considered appropriate by the Administrator of the Transportation Security Administration.

(3) APPROVAL.—An air carrier training program under this subsection shall be subject to approval by the Administrator of the Transportation Security Administration.

(4) MINIMUM STANDARDS.—The Administrator of the Transportation Security Administration may establish minimum standards for the training provided under this subsection and for recurrent training.

(5) EXISTING PROGRAMS.—Notwithstanding paragraphs (3) and (4), any training program of an air carrier to prepare flight and cabin crew members for potential threat conditions that

was approved by the Administrator or the Administrator of the Transportation Security Administration before December 12, 2003, may continue in effect until disapproved or ordered modified by the Administrator of the Transportation Security Administration.

(6) MONITORING.—The Administrator of the Transportation Security Administration, in consultation with the Administrator, shall monitor air carrier training programs under this subsection and periodically shall review an air carrier's training program to ensure that the program is adequately preparing crew members for potential threat conditions. In determining when an air carrier's training program should be reviewed under this paragraph, the Administrator of the Transportation Security Administration shall consider complaints from crew members. The Administrator of the Transportation Security Administration shall ensure that employees responsible for monitoring the training programs have the necessary resources and knowledge.

(7) UPDATES.—The Administrator of the Transportation Security Administration, in consultation with the Administrator, shall order air carriers to modify training programs under this subsection to reflect new or different security threats.

(b) ADVANCED SELF-DEFENSE TRAINING.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall develop and provide a voluntary training program for flight and cabin crew members of air carriers providing scheduled passenger air transportation.

(2) PROGRAM ELEMENTS.—The training program under this subsection shall include both classroom and effective hands-on training in the following elements of self-defense:

(A) Deterring a passenger who might present a threat.

(B) Advanced control, striking, and restraint techniques.

(C) Training to defend oneself against edged or contact weapons.

(D) Methods to subdue and restrain an attacker.

(E) Use of available items aboard the aircraft for self-defense.

(F) Appropriate and effective responses to defend oneself, including the use of force against an attacker.

(G) Any other element of training that the Administrator of the Transportation Security Administration considers appropriate.

(3) PARTICIPATION NOT REQUIRED.—A crew member shall not be required to participate in the training program under this subsection.

(4) COMPENSATION.—[Neither] *Except as provided in paragraph (8), neither* the Federal Government nor an air carrier shall be required to compensate a crew member for participating in the training program under this subsection.

(5) FEES.—A crew member shall not be required to pay a fee for the training program under this subsection.

(6) CONSULTATION.—In developing the training program under this subsection, the Administrator of the Transportation Security Administration shall consult with law enforcement personnel and security experts who have expertise in self-de-

fense training, terrorism experts, representatives of air carriers, the director of self-defense training in the Federal Air Marshal Service, flight attendants, labor organizations representing flight attendants, and educational institutions offering law enforcement training programs.

(7) DESIGNATION OF TSA OFFICIAL.—The Administrator of the Transportation Security Administration shall designate an official in the Transportation Security Administration to be responsible for implementing the training program under this subsection. The official shall consult with air carriers and labor organizations representing crew members before implementing the program to ensure that it is appropriate for situations that may arise on board an aircraft during a flight.

(8) AIR CARRIER ACCOMMODATION.—*An air carrier with a crew member participating in the training program under this subsection shall provide a process through which each such crew member may obtain reasonable accommodations.*

(c) LIMITATION.—Actions by crew members under this section shall be subject to the provisions of section 44903(k).

CHAPTER 453—FEES

Sec.

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45306. Manual surcharge.
45307. Exemption of fees for traffic services.

§ 45301. General provisions

(a) SCHEDULE OF FEES.—**[The Administrator shall establish]** *The Administrator of the Federal Aviation Administration shall establish a schedule of new fees, and a collection process for such fees, for the following services provided by the Administration:*

(1) Air traffic control and related services provided to aircraft other than military and civilian aircraft of the United States Government or of a foreign government that neither take off from, nor land in, the United States.

(2) Services (other than air traffic control services) provided to a foreign government or services provided to any entity obtaining services outside the United States, except that the Administrator shall not impose fees in any manner for production-certification related service performed outside the United States pertaining to aeronautical products manufactured outside the United States.

(b) ESTABLISHMENT AND ADJUSTMENT OF FEES.—

(1) IN GENERAL.—In establishing and adjusting fees under this section, the Administrator shall ensure that the fees are reasonably related to the Administration's costs, as determined by the Administrator, of providing the services rendered.

(2) SERVICES FOR WHICH COSTS MAY BE RECOVERED.—Services for which costs may be recovered under this section include the costs of air traffic control, navigation, weather services, training, and emergency services that are available to facilitate safe transportation over the United States and the costs of other services provided by the Administrator, or by

programs financed by the Administrator, to flights that neither take off nor land in the United States.

(3) LIMITATIONS ON JUDICIAL REVIEW.—Notwithstanding section 702 of title 5 or any other provision of law, the following actions and other matters shall not be subject to judicial review:

(A) The establishment or adjustment of a fee by the Administrator under this section.

(B) The validity of a determination of costs by the Administrator under paragraph (1), and the processes and procedures applied by the Administrator when reaching such determination.

(C) An allocation of costs by the Administrator under paragraph (1) to services provided, and the processes and procedures applied by the Administrator when establishing such allocation.

(4) AIRCRAFT ALTITUDE.—Nothing in this section shall require the Administrator to take into account aircraft altitude in establishing any fee for aircraft operations in en route or oceanic airspace.

(5) COSTS DEFINED.—In this subsection, the term “costs” includes operation and maintenance costs, leasing costs, and overhead expenses associated with the services provided and the facilities and equipment used in providing such services.

(c) USE OF EXPERTS AND CONSULTANTS.—In developing the system, the Administrator may consult with such nongovernmental experts as the Administrator may employ and the Administrator may utilize the services of experts and consultants under section 3109 of title 5 without regard to the limitation imposed by the last sentence of section 3109(b) of such title, and may contract on a sole source basis, notwithstanding any other provision of law to the contrary. Notwithstanding any other provision of law to the contrary, the Administrator may retain such experts under a contract awarded on a basis other than a competitive basis and without regard to any such provisions requiring competitive bidding or precluding sole source contract authority.

(d) PRODUCTION-CERTIFICATION RELATED SERVICE DEFINED.—In this section, the term “production-certification related service” has the meaning given that term in appendix C of part 187 of title 14, Code of Federal Regulations.

(e) ADJUSTMENT OF FEES.—In addition to adjustments under subsection (b), the Administrator may periodically adjust the fees established under this section.

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§ 45303. Administrative provisions

(a) FEES PAYABLE TO ADMINISTRATOR.—All fees imposed and amounts collected under this chapter for services performed, or materials furnished, by the Federal Aviation Administration are payable to the Administrator of the Federal Aviation Administration.

(b) REFUNDS.—The Administrator may refund any fee paid by mistake or any amount paid in excess of that required.

(c) RECEIPTS CREDITED TO ACCOUNT.—Notwithstanding section 3302 of title 31, all fees and amounts collected by the Administration, except insurance premiums and other fees charged for the

provision of insurance and deposited in the Aviation Insurance Revolving Fund and interest earned on investments of such Fund, and except amounts which on September 30, 1996, are required to be credited to the general fund of the Treasury (whether imposed under this section or not)—

(1) shall be credited to a separate account established in the Treasury and made available for Administration activities;

(2) shall be available immediately for expenditure but only for congressionally authorized and intended purposes; and

(3) shall remain available until expended.

(d) ANNUAL BUDGET REPORT BY ADMINISTRATOR.—The Administrator shall, on the same day each year as the President submits the annual budget to Congress, provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(1) a list of fee collections by the Administration during the preceding fiscal year;

(2) a list of activities by the Administration during the preceding fiscal year that were supported by fee expenditures and appropriations;

(3) budget plans for significant programs, projects, and activities of the Administration, including out-year funding estimates;

(4) any proposed disposition of surplus fees by the Administration; and

(5) such other information as those committees consider necessary.

(e) DEVELOPMENT OF COST ACCOUNTING SYSTEM.—The Administration shall develop a cost accounting system that adequately and accurately reflects the investments, operating and overhead costs, revenues, and other financial measurement and reporting aspects of its operations.

(f) COMPENSATION TO CARRIERS FOR ACTING AS COLLECTION AGENTS.—The Administration shall prescribe regulations to ensure that any air carrier required, pursuant to the Air Traffic Management System Performance Improvement Act of 1996 or any amendments made by that Act, to collect a fee imposed on another party by the Administrator may collect from such other party an additional uniform amount that the Administrator determines reflects the necessary and reasonable expenses (net of interest accruing to the carrier after collection and before remittance) incurred in collecting and handling the fee.

(g) DATA TRANSPARENCY.—

(1) AIR TRAFFIC SERVICES INITIAL DATA REPORT.—

(A) INITIAL REPORT.—Not later than 6 months after the date of enactment of the FAA Reauthorization Act of 2018, the Administrator and the Chief Operating Officer of the Air Traffic Organization shall, based upon the most recently available full fiscal year data, complete the following calculations for each segment of air traffic services users:

(i) The total costs allocable to the use of air traffic services for that segment during such fiscal year.

(ii) The total revenues received from that segment during such fiscal year.

(B) VALIDATION OF MODEL.—

(i) REVIEW AND DETERMINATION.—Not later than 3 months after completion of the initial report required under subparagraph (A), the inspector general of the Department of Transportation shall review and determine the validity of the model used by the Administrator and the Chief Operating Officer to complete the calculations required under subparagraph (A).

(ii) VALIDATION PROCESS.—In the event that the inspector general determines that the model used by the Administrator and the Chief Operating Officer to complete the calculations required by subparagraph (A) is not valid—

(I) the inspector general shall provide the Administrator and Chief Operating Officer recommendations on how to revise the model;

(II) the Administrator and the Chief Operating Officer shall complete the calculations required by subparagraph (A) utilizing the revised model and resubmit the revised initial report required under subparagraph (A) to the inspector general; and

(III) not later than 3 months after completion of the revised initial report required under subparagraph (A), the inspector general shall review and determine the validity of the revised model used by the Administrator and the Chief Operating Officer to complete the calculations required by subparagraph (A).

(iii) ACCESS TO DATA.—The Administrator and the Chief Operating Officer shall provide the inspector general of the Department of Transportation with unfettered access to all data produced by the cost accounting system operated and maintained pursuant to subsection (e).

(C) REPORT TO CONGRESS.—Not later than 60 days after completion of the review and receiving a determination that the model used is valid under subparagraph (B), the Administrator and the Chief Operating Officer shall submit to the Committee on Transportation and Infrastructure, the Committee on Appropriations, and the Committee on Ways and Means of the House of Representatives, and the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on Finance of the Senate a report describing the results of the calculations completed under subparagraph (A).

(D) PUBLICATION.—Not later than 60 days after submission of the report required under subparagraph (C), the Administrator and Chief Operating Officer shall publish the initial report, including any revision thereto if required as a result of the validation process for the model.

(2) AIR TRAFFIC SERVICES BIENNIAL DATA REPORTING.—

(A) BIENNIAL DATA REPORTING.—Not later than March 31, 2019, and biennially thereafter for ~~【8 years】~~ *14 years*, the Administrator and the Chief Operating Officer shall, using the validated model, complete the following calculations for each segment of air traffic services users for the most recent full fiscal year:

(i) The total costs allocable to the use of the air traffic services for that segment.

(ii) The total revenues received from that segment.

(B) REPORT TO CONGRESS.—Not later than 15 days after completing the calculations under subparagraph (A), the Administrator and the Chief Operating Officer shall complete and submit to the Committee on Transportation and Infrastructure, the Committee on Appropriations, and the Committee on Ways and Means of the House of Representatives, and the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on Finance of the Senate a report containing the results of such calculations.

(C) PUBLICATION.—Not later than 60 days after completing the calculations pursuant to subparagraph (A), the Administrator and the Chief Operating Officer shall publish the results of such calculations.

(3) SEGMENTS OF AIR TRAFFIC SERVICES USERS.—

(A) IN GENERAL.—For purposes of this subsection, each of the following shall constitute a separate segment of air traffic services users:

(i) Passenger air carriers conducting operations under part 121 of title 14, Code of Federal Regulations.

(ii) All-cargo air carriers conducting operations under part 121 of such title.

(iii) Operators covered by part 125 of such title.

(iv) Air carriers and operators of piston-engine aircraft operating under part 135 of such title.

(v) Air carriers and operators of turbine-engine aircraft operating under part 135 of such title.

(vi) Foreign air carriers providing passenger air transportation.

(vii) Foreign air carriers providing all-cargo air transportation.

(viii) Operators of turbine-engine aircraft operating under part 91 of such title, excluding those operating under subpart (K) of such part.

(ix) Operators of piston-engine aircraft operating under part 91 of such title, excluding those operating under subpart (K) of such part.

(x) Operators covered by subpart (K) of part 91 of such title.

(xi) Operators covered by part 133 of such title.

(xii) Operators covered by part 136 of such title.

(xiii) Operators covered by part 137 of such title.

(xiv) Operators of public aircraft that qualify under section 40125.

(xv) Operators of aircraft that neither take off from, nor land in, the United States.

(xvi) Operators of commercial space transportation launch and reentry vehicles.

(B) ADDITIONAL SEGMENTS.—The Secretary may identify and include additional segments of air traffic users under subparagraph (A) as revenue and air traffic services cost data become available for that additional segment of air traffic services users.

(4) DEFINITIONS.—For purposes of this subsection:

(A) AIR TRAFFIC SERVICES.—The term “air traffic services” means services—

(i) used for the monitoring, directing, control, and guidance of aircraft or flows of aircraft and for the safe conduct of flight, including communications, navigation, and surveillance services and provision of aeronautical information; and

(ii) provided directly, or contracted for, by the Federal Aviation Administration.

(B) AIR TRAFFIC SERVICES USER.—The term “air traffic services user” means any individual or entity using air traffic services provided directly, or contracted for, by the Federal Aviation Administration within United States airspace or international airspace delegated to the United States.

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§ 45307. Exemption of fees for air traffic services

(a) REQUIREMENT TO PROVIDE SERVICES AND RELATED SUPPORT.—The Administrator shall provide or ensure the provisioning of air traffic services and aviation safety support for large, multiday aviation events, including airshows and fly-ins, where the average daily number of manned operations were 1,000 or greater in at least 1 of the preceding 3 years, without the imposition or collection of any fee, tax, or other charge for that purpose. Amounts for the provision of such services and support shall be derived from amounts appropriated or otherwise available for the Administration.

(b) DETERMINATION OF SERVICES AND SUPPORT TO BE PROVIDED.—In determining the services and support to be provided for an aviation event for purposes of subsection (a), the Administrator shall take into account the following:

(1) The services and support required to meet levels of activity at prior events, if any, similar to the event.

(2) The anticipated need for services and support at the event.

SUBPART iv—ENFORCEMENT AND PENALTIES

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CHAPTER 461—INVESTIGATIONS AND PROCEEDINGS

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§ 46101. Complaints and investigations

(a) GENERAL.—(1) A person may file a complaint in writing with the Secretary of Transportation (or the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration) about a person violating this part or a requirement prescribed under this part. Except as provided in subsection (b) of this section, the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration shall investigate the complaint if a reasonable ground appears to the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration for the investigation.

(2) On the initiative of the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration, as appropriate, the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration may conduct an investigation, if a reasonable ground appears to the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration for the investigation, about—

(A) a person violating this part or a requirement prescribed under this part; or

(B) any question that may arise under this part.

(3) The Secretary of Transportation, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration may dismiss a complaint without a hearing when the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration is of the opinion that the complaint does not state facts that warrant an investigation or action.

(4) After notice and an opportunity for a hearing and subject to section 40105(b) of this title, the Secretary of Transportation, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration shall issue an order to compel compliance with this part if the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration finds in an investigation under this subsection that a person is violating this part.

(b) COMPLAINTS AGAINST MEMBERS OF ARMED FORCES.—The Secretary of Transportation, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration shall refer a complaint against a member of the armed forces of the United States performing official duties to the Secretary of the department concerned for action. Not later than 90 days after receiving the complaint, the Secretary of that department shall inform the Secretary of Transportation, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration of the action taken on the complaint, including any corrective or disciplinary action taken.

(c) *PROHIBITION ON USING ADS-B DATA TO INITIATE AN INVESTIGATION.*—

(1) *IN GENERAL.*—Notwithstanding any provision of this section, the Administrator of the Federal Aviation Administration may not initiate an investigation (excluding a criminal investigation) of a person based exclusively on automatic dependent surveillance-broadcast data.

(2) *RULE OF CONSTRUCTION.*—Nothing in this subsection shall prohibit the use of automatic dependent surveillance-broadcast data in an investigation that was initiated for any reason other than the review of automatic dependent surveillance-broadcast data, including if such investigation was initiated as a result of a report or complaint submitted to the Administrator.

* * * * *

§ 46110. Judicial review

(a) *FILING AND VENUE.*—Except for an order related to a foreign air carrier subject to disapproval by the President under section 41307 or 41509(f) of this title, a person disclosing a substantial interest in an order issued by the Secretary of Transportation (or the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration) in whole or in part under this part, part B, or [subsection (l) or (s) of section 114] subsection (l) or (r) of section 114 may apply for review of the order by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not later than 60 days after the order is issued. The court may allow the petition to be filed after the 60th day only if there are reasonable grounds for not filing by the 60th day.

(b) *JUDICIAL PROCEDURES.*—When a petition is filed under subsection (a) of this section, the clerk of the court immediately shall send a copy of the petition to the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration, as appropriate. The Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration shall file with the court a record of any proceeding in which the order was issued, as provided in section 2112 of title 28.

(c) *AUTHORITY OF COURT.*—When the petition is sent to the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration, the court has exclusive jurisdiction to affirm, amend, modify, or set aside any part of the order and may order the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration to conduct further proceedings. After reasonable notice to the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration, the court may grant

interim relief by staying the order or taking other appropriate action when good cause for its action exists. Findings of fact by the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration, if supported by substantial evidence, are conclusive.

(d) **REQUIREMENT FOR PRIOR OBJECTION.**—In reviewing an order under this section, the court may consider an objection to an order of the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration only if the objection was made in the proceeding conducted by the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration or if there was a reasonable ground for not making the objection in the proceeding.

(e) **SUPREME COURT REVIEW.**—A decision by a court under this section may be reviewed only by the Supreme Court under section 1254 of title 28.

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CHAPTER 463—PENALTIES

* * * * *

§ 46301. Civil penalties

(a) **GENERAL PENALTY.**—(1) A person is liable to the United States Government for a civil penalty of not more than \$25,000 (or \$1,100 if the person is an individual or small business concern) for violating—

(A) chapter 401 (except sections 40103(a) and (d), 40105, 40116, and 40117), chapter 411, chapter 413 (except sections 41307 and 41310(b)–(f)), chapter 415 (except sections 41502, 41505, and 41507–41509), chapter 417 (except sections 41703, 41704, 41710, 41713, and 41714), chapter 419, subchapter II or III of chapter 421, chapter 423, chapter 441 (except section 44109), section 44502(b) or (c), chapter 447 (except sections 44717 and 44719–44723), chapter 448, chapter 449 (except sections 44902, 44903(d), 44904, 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), and 44908), chapter 451, section 47107(b) (including any assurance made under such section), or section 47133 of this title;

(B) a regulation prescribed or order issued under any provision to which clause (A) of this paragraph applies;

(C) any term of a certificate or permit issued under section 41102, 41103, or 41302 of this title; or

(D) a regulation of the United States Postal Service under this part.

(2) A separate violation occurs under this subsection for each day the violation (other than a violation of section 41719) continues or, if applicable, for each flight involving the violation (other than a violation of section 41719).

(3) **PENALTY FOR DIVERSION OF AVIATION REVENUES.**—The amount of a civil penalty assessed under this section for a violation of section 47107(b) of this title (or any assurance made under such section) or section 47133 of this title may be increased above the otherwise applicable maximum amount under this section to an

amount not to exceed 3 times the amount of revenues that are used in violation of such section.

(4) AVIATION SECURITY VIOLATIONS.—Notwithstanding paragraph (1) of this subsection, the maximum civil penalty for violating chapter 449 shall be \$10,000; except that the maximum civil penalty shall be \$25,000 in the case of a person operating an aircraft for the transportation of passengers or property for compensation (except an individual serving as an airman).

(5) PENALTIES APPLICABLE TO INDIVIDUALS AND SMALL BUSINESS CONCERNS.—

(A) An individual (except an airman serving as an airman) or small business concern is liable to the Government for a civil penalty of not more than \$10,000 for violating—

(i) chapter 401 (except sections 40103(a) and (d), 40105, 40106(b), 40116, and 40117), section 44502 (b) or (c), chapter 447 (except sections 44717–44723), chapter 448, chapter 449 (except sections 44902, 44903(d), 44904, and 44907–44909), chapter 451, or section 46314(a) of this title; or

(ii) a regulation prescribed or order issued under any provision to which clause (i) applies.

(B) A civil penalty of not more than \$10,000 may be imposed for each violation under paragraph (1) committed by an individual or small business concern related to—

(i) the transportation of hazardous material;

(ii) the registration or recordation under chapter 441 of an aircraft not used to provide air transportation;

(iii) a violation of section 44718(d), relating to the limitation on construction or establishment of landfills;

(iv) a violation of section 44725, relating to the safe disposal of life-limited aircraft parts; or

(v) a violation of section 40127 or section 41705, relating to discrimination.

(C) Notwithstanding paragraph (1), the maximum civil penalty for a violation of section 41719 committed by an individual or small business concern shall be \$5,000 instead of \$1,000.

(D) Notwithstanding paragraph (1), the maximum civil penalty for a violation of section 41712 (including a regulation prescribed or order issued under such section) or any other regulation prescribed by the Secretary of Transportation by an individual or small business concern that is intended to afford consumer protection to commercial air transportation passengers shall be \$2,500 for each violation.

(6) **[FAILURE TO COLLECT AIRPORT SECURITY BADGES]** *FAILURE TO COLLECT AIRPORT SECURITY BADGES*.—Notwithstanding paragraph (1), any employer (other than a governmental entity or airport operator) who employs an employee to whom an airport security badge or other identifier used to obtain access to a secure area of an airport is issued before, on, or after the date of enactment of this paragraph and who does not collect or make reasonable efforts to collect such badge from the employee on the date that the employment of the employee is terminated and does not notify the operator of the airport of such termination within 24 hours of the date of such termination shall be liable to the Government for a civil penalty not to exceed \$10,000.

(7) **[PENALTIES RELATING TO HARM TO PASSENGERS WITH DISABILITIES]** *PENALTIES RELATING TO HARM TO PASSENGERS WITH DISABILITIES.*—

(A) **PENALTY FOR BODILY HARM OR DAMAGE TO WHEELCHAIR OR OTHER MOBILITY AID.**—The amount of a civil penalty assessed under this section for a violation of section 41705 that involves damage to a passenger's wheelchair or other mobility aid or injury to a passenger with a disability may be increased above the otherwise applicable maximum amount under this section for a violation of section 41705 to an amount not to exceed 3 times the maximum penalty otherwise allowed.

(B) **EACH ACT CONSTITUTES SEPARATE OFFENSE.**—Notwithstanding paragraph (2), a separate violation of section 41705 occurs for each act of discrimination prohibited by that section.

(b) **SMOKE ALARM DEVICE PENALTY.**—(1) A passenger may not tamper with, disable, or destroy a smoke alarm device located in a lavatory on an aircraft providing air transportation or intrastate air transportation.

(2) An individual violating this subsection is liable to the Government for a civil penalty of not more than \$2,000.

(c) **PROCEDURAL REQUIREMENTS.**—(1) The Secretary of Transportation may impose a civil penalty for the following violations only after notice and an opportunity for a hearing:

(A) a violation of subsection (b) of this section or chapter 411, chapter 413 (except sections 41307 and 41310(b)–(f)), chapter 415 (except sections 41502, 41505, and 41507–41509), chapter 417 (except sections 41703, 41704, 41710, 41713, and 41714), chapter 419, subchapter II of chapter 421, chapter 423, or section 44909 of this title.

(B) a violation of a regulation prescribed or order issued under any provision to which clause (A) of this paragraph applies.

(C) a violation of any term of a certificate or permit issued under section 41102, 41103, or 41302 of this title.

(D) a violation under subsection (a)(1) of this section related to the transportation of hazardous material.

(2) The Secretary shall give written notice of the finding of a violation and the civil penalty under paragraph (1) of this subsection.

(d) **ADMINISTRATIVE IMPOSITION OF PENALTIES.**—(1) In this subsection—

(A) “flight engineer” means an individual who holds a flight engineer certificate issued under part 63 of title 14, Code of Federal Regulations.

(B) “mechanic” means an individual who holds a mechanic certificate issued under part 65 of title 14, Code of Federal Regulations.

(C) “pilot” means an individual who holds a pilot certificate issued under part 61 of title 14, Code of Federal Regulations.

(D) “repairman” means an individual who holds a repairman certificate issued under part 65 of title 14, Code of Federal Regulations.

(2) The Administrator of the Federal Aviation Administration may impose a civil penalty for a violation of chapter 401 (except sections 40103(a) and (d), 40105, 40106(b), 40116, and 40117), chapter 441 (except section 44109), section 44502(b) or (c), chapter

447 (except sections 44717 and 44719–44723), chapter 448, chapter 451, section 46301(b), section 46302 (for a violation relating to section 46504), section 46318, section 46319, section 46320, or section 47107(b) (as further defined by the Secretary of Transportation under section 47107(k) and including any assurance made under section 47107(b)) of this title or a regulation prescribed or order issued under any of those provisions. The Secretary of Homeland Security may impose a civil penalty for a violation of chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A), 44907(d)(1)(C)–(f), 44908, and 44909), section 46302 (except for a violation relating to section 46504), or section 46303 of this title or a regulation prescribed or order issued under any of those provisions. The Secretary of Homeland Security or Administrator of the Federal Aviation Administration shall give written notice of the finding of a violation and the penalty.

(3) In a civil action to collect a civil penalty imposed by the Secretary of Homeland Security or Administrator of the Federal Aviation Administration under this subsection, the issues of liability and the amount of the penalty may not be reexamined.

(4) Notwithstanding paragraph (2) of this subsection, the district courts of the United States have exclusive jurisdiction of a civil action involving a penalty the Secretary of Homeland Security or Administrator of the Federal Aviation Administration initiates if—

(A) the amount in controversy is more than—

(i) \$50,000 if the violation was committed by any person before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act;

(ii) \$400,000 if the violation was committed by a person other than an individual or small business concern on or after that date; or

(iii) \$50,000 if the violation was committed by an individual or small business concern on or after that date;

(B) the action is in rem or another action in rem based on the same violation has been brought;

(C) the action involves an aircraft subject to a lien that has been seized by the Government; or

(D) another action has been brought for an injunction based on the same violation.

(5)(A) The Administrator of the Federal Aviation Administration may issue an order imposing a penalty under this subsection against an individual acting as a pilot, flight engineer, mechanic, or repairman only after advising the individual of the charges or any reason the Administrator of the Federal Aviation Administration relied on for the proposed penalty and providing the individual an opportunity to answer the charges and be heard about why the order shall not be issued.

(B) An individual acting as a pilot, flight engineer, mechanic, or repairman may appeal an order imposing a penalty under this subsection to the National Transportation Safety Board. After notice and an opportunity for a hearing on the record, the Board shall affirm, modify, or reverse the order. The Board may modify a civil penalty imposed to a suspension or revocation of a certificate.

(C) When conducting a hearing under this paragraph, the Board is not bound by findings of fact of the Administrator of the Federal Aviation Administration but is bound by all validly adopted inter-

pretations of laws and regulations the Administrator of the Federal Aviation Administration carries out and of written agency policy guidance available to the public related to sanctions to be imposed under this section unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law.

(D) When an individual files an appeal with the Board under this paragraph, the order of the Administrator of the Federal Aviation Administration is stayed.

(6) An individual substantially affected by an order of the Board under paragraph (5) of this subsection, or the Administrator of the Federal Aviation Administration when the Administrator of the Federal Aviation Administration decides that an order of the Board under paragraph (5) will have a significant adverse impact on carrying out this part, may obtain judicial review of the order under section 46110 of this title. The Administrator of the Federal Aviation Administration shall be made a party to the judicial review proceedings. Findings of fact of the Board are conclusive if supported by substantial evidence.

(7)(A) The Administrator of the Federal Aviation Administration may impose a penalty on a person (except an individual acting as a pilot, flight engineer, mechanic, or repairman) only after notice and an opportunity for a hearing on the record.

(B) In an appeal from a decision of an administrative law judge as the result of a hearing under subparagraph (A) of this paragraph, the Administrator of the Federal Aviation Administration shall consider only whether—

- (i) each finding of fact is supported by a preponderance of reliable, probative, and substantial evidence;
- (ii) each conclusion of law is made according to applicable law, precedent, and public policy; and
- (iii) the judge committed a prejudicial error that supports the appeal.

(C) Except for good cause, a civil action involving a penalty under this paragraph may not be initiated later than 2 years after the violation occurs.

(D) In the case of a violation of section 47107(b) of this title or any assurance made under such section—

- (i) a civil penalty shall not be assessed against an individual;
- (ii) a civil penalty may be compromised as provided under subsection (f); and
- (iii) judicial review of any order assessing a civil penalty may be obtained only pursuant to section 46110 of this title.

(8) The maximum civil penalty the Administrator of the Transportation Security Administration, Administrator of the Federal Aviation Administration, or Board may impose under this subsection is—

- (A) \$50,000 if the violation was committed by any person before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act;
- (B) \$400,000 if the violation was committed by a person other than an individual or small business concern on or after that date; or
- (C) \$50,000 if the violation was committed by an individual or small business concern on or after that date.

(9) This subsection applies only to a violation occurring after August 25, 1992.

(e) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under subsection (a)(3) of this section related to transportation of hazardous material, the Secretary of Transportation shall consider—

- (1) the nature, circumstances, extent, and gravity of the violation;
- (2) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, and any effect on the ability to continue doing business; and
- (3) other matters that justice requires.

(f) COMPROMISE AND SETOFF.—(1)(A) The Secretary may compromise the amount of a civil penalty imposed for violating—

- (i) chapter 401 (except sections 40103(a) and (d), 40105, 40116, and 40117), chapter 441 (except section 44109), section 44502(b) or (c), chapter 447 (except sections 44717 and 44719–44723), chapter 448, chapter 449 (except sections 44902, 44903(d), 44904, 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), 44908, and 44909), or chapter 451 of this title; or
- (ii) a regulation prescribed or order issued under any provision to which clause (i) of this subparagraph applies.

(B) The Postal Service may compromise the amount of a civil penalty imposed under subsection (a)(1)(D) of this section.

(2) The Government may deduct the amount of a civil penalty imposed or compromised under this subsection from amounts it owes the person liable for the penalty.

(g) JUDICIAL REVIEW.—An order of the Secretary or the Administrator of the Federal Aviation Administration imposing a civil penalty may be reviewed judicially only under section 46110 of this title.

(h) NONAPPLICATION.—(1) This section does not apply to the following when performing official duties:

- (A) a member of the armed forces of the United States.
- (B) a civilian employee of the Department of Defense subject to the Uniform Code of Military Justice.

(2) The appropriate military authority is responsible for taking necessary disciplinary action and submitting to the Secretary (or the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration) a timely report on action taken.

(i) SMALL BUSINESS CONCERN DEFINED.—In this section, the term “small business concern” has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).

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CHAPTER 465—SPECIAL AIRCRAFT JURISDICTION OF THE UNITED STATES

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§ 46503. Interference with security screening personnel

[An individual] (a) *IN GENERAL.*—*An individual* in an area within a commercial service airport in the United States who, by assaulting a Federal, airport, or air carrier employee who has security duties within the airport, interferes with the performance of the duties of the employee or lessens the ability of the employee to perform those duties, shall be fined under title 18, imprisoned for not more than 10 years, or both. If the individual used a dangerous weapon in committing the assault or interference, the individual may be imprisoned for any term of years or life imprisonment.

(b) *AIRPORT AND AIR CARRIER EMPLOYEES.*—*For purposes of this section, an airport or air carrier employee who has security duties within the airport includes an airport or air carrier employee performing ticketing, check-in, baggage claim, or boarding functions.*

PART B—AIRPORT DEVELOPMENT AND NOISE

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CHAPTER 471—AIRPORT DEVELOPMENT

SUBCHAPTER I—AIRPORT IMPROVEMENT

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| Sec. | * | * | * | * | * | * | * |
| [47131. Annual report.] | * | * | * | * | * | * | * |
| [47140. Increasing the energy efficiency of airport power sources.] | * | * | * | * | * | * | * |
| <i>47140. Meeting current and future electrical power demand.</i> | * | * | * | * | * | * | * |
| [47142. Design-build contracting.] | * | * | * | * | * | * | * |
| <i>47142. Alternative project delivery.</i> | * | * | * | * | * | * | * |

SUBCHAPTER I—AIRPORT IMPROVEMENT

§ 47101. Policies

- (a) *GENERAL.*—It is the policy of the United States—
- (1) that the safe operation of the airport and airway system is the highest aviation priority;
 - (2) that projects, activities, and actions that prevent runway incursions serve to—
 - (A) improve airport surface surveillance; and
 - (B) mitigate surface safety risks that are essential to ensuring the safe operation of the airport and airway system;
 - [(2)]** (3) that aviation facilities be constructed and operated to minimize current and projected noise impact on nearby communities;
 - [(3)]** (4) to give special emphasis to developing reliever airports;
 - [(4)]** (5) that appropriate provisions should be made to make the development and enhancement of cargo hub airports easier;
 - [(5)]** (6) to encourage the development of intermodal connections on airport property between aeronautical and other

transportation modes and systems to serve air transportation passengers and cargo efficiently and effectively and promote economic development;

[(6)] (7) that airport development projects under this subchapter provide for the protection and enhancement of natural resources and the quality of the environment of the United States;

[(7)] (8) that airport construction and improvement projects that increase the capacity of facilities to accommodate passenger and cargo traffic be undertaken to the maximum feasible extent so that safety and efficiency increase and delays decrease;

[(8)] (9) to ensure that nonaviation usage of the navigable airspace be accommodated but not allowed to decrease the safety and capacity of the airspace and airport system;

[(9)] (10) that artificial restrictions on airport capacity—

(A) are not in the public interest;

(B) should be imposed to alleviate air traffic delays only after other reasonably available and less burdensome alternatives have been tried; and

(C) should not discriminate unjustly between categories and classes of aircraft;

[(10)] (11) that special emphasis should be placed on converting appropriate former military air bases to civil use and identifying and improving additional joint-use facilities;

[(11)] (12) that the airport improvement program should be administered to encourage projects that employ innovative technology (including integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices), concepts, and approaches that will promote safety, capacity, and efficiency improvements in the construction of airports and in the air transportation system (including the development and use of innovative concrete and other materials in the construction of airport facilities to minimize initial laydown costs, minimize time out of service, and maximize lifecycle durability) and to encourage and solicit innovative technology proposals and activities in the expenditure of funding pursuant to this subchapter;

[(12)] (13) that airport fees, rates, and charges must be reasonable and may only be used for purposes not prohibited by this subchapter; and

[(13)] (14) that airports should be as self-sustaining as possible under the circumstances existing at each particular airport and in establishing new fees, rates, and charges, and generating revenues from all sources, airport owners and operators should not seek to create revenue surpluses that exceed the amounts to be used for airport system purposes and for other purposes for which airport revenues may be spent under section 47107(b)(1) of this title, including reasonable reserves and other funds to facilitate financing and cover contingencies.

(b) NATIONAL TRANSPORTATION POLICY.—(1) It is a goal of the United States to develop a national intermodal transportation system that transports passengers and property in an efficient manner. The future economic direction of the United States depends on its ability to confront directly the enormous challenges of the global

economy, declining productivity growth, energy vulnerability, air pollution, and the need to rebuild the infrastructure of the United States.

(2) United States leadership in the world economy, the expanding wealth of the United States, the competitiveness of the industry of the United States, the standard of living, and the quality of life are at stake.

(3) A national intermodal transportation system is a coordinated, flexible network of diverse but complementary forms of transportation that transports passengers and property in the most efficient manner. By reducing transportation costs, these intermodal systems will enhance the ability of the industry of the United States to compete in the global marketplace.

(4) All forms of transportation, including aviation and other transportation systems of the future, will be full partners in the effort to reduce energy consumption and air pollution while promoting economic development.

(5) An intermodal transportation system consists of transportation hubs that connect different forms of appropriate transportation and provides users with the most efficient means of transportation and with access to commercial centers, business locations, population centers, and the vast rural areas of the United States, as well as providing links to other forms of transportation and to intercity connections.

(6) Intermodality and flexibility are paramount issues in the process of developing an integrated system that will obtain the optimum yield of United States resources.

(7) The United States transportation infrastructure must be reshaped to provide the economic underpinnings for the United States to compete in the 21st century global economy. The United States can no longer rely on the sheer size of its economy to dominate international economic rivals and must recognize fully that its economy is no longer a separate entity but is part of the global marketplace. The future economic prosperity of the United States depends on its ability to compete in an international marketplace that is teeming with competitors but in which a full one-quarter of the economic activity of the United States takes place.

(8) The United States must make a national commitment to rebuild its infrastructure through development of a national intermodal transportation system. The United States must provide the foundation for its industries to improve productivity and their ability to compete in the global economy with a system that will transport passengers and property in an efficient manner.

(c) CAPACITY EXPANSION AND NOISE ABATEMENT.—It is in the public interest to recognize the effects of airport capacity expansion projects on aircraft noise. Efforts to increase capacity through any means can have an impact on surrounding communities. Non-compatible land uses around airports must be reduced and efforts to mitigate noise must be given a high priority.

(d) CONSISTENCY WITH AIR COMMERCE AND SAFETY POLICIES.—Each airport and airway program should be carried out consistently with section 40101(a), (b), (d), and (f) of this title to foster competition, prevent unfair methods of competition in air transportation, maintain essential air transportation, and prevent unjust

and discriminatory practices, including as the practices may be applied between categories and classes of aircraft.

(e) ADEQUACY OF NAVIGATION AIDS AND AIRPORT FACILITIES.—This subchapter should be carried out to provide adequate navigation aids and airport facilities for places at which scheduled commercial air service is provided. The facilities provided may include—

(1) reliever airports; and

(2) heliports designated by the Secretary of Transportation to relieve congestion at commercial service airports by diverting aircraft passengers from fixed-wing aircraft to helicopter carriers.

(f) MAXIMUM USE OF SAFETY FACILITIES.—This subchapter should be carried out consistently with a comprehensive airspace system plan, giving highest priority to commercial service airports, to maximize the use of safety facilities, including installing, operating, and maintaining, to the extent possible with available money and considering other safety needs—

(1) electronic or visual vertical guidance on each runway;

(2) grooving or friction treatment of each primary and secondary runway;

(3) distance-to-go signs for each primary and secondary runway;

(4) a precision approach system, a vertical visual guidance system, and a full approach light system for each primary runway;

(5) a nonprecision instrument approach for each secondary runway;

(6) runway end identifier lights on each runway that does not have an approach light system;

(7) a surface movement radar system at each category III airport;

(8) a taxiway lighting and sign system;

(9) runway edge lighting and marking;

(10) radar approach coverage for each airport terminal area; and

(11) runway and taxiway incursion prevention devices, including integrated in-pavement lighting systems for runways and taxiways.

(g) INTERMODAL PLANNING.—To carry out the policy of [subsection (a)(5)] *subsection (a)(6)* of this section, the Secretary of Transportation shall take each of the following actions:

(1) COORDINATION IN DEVELOPMENT OF AIRPORT PLANS AND PROGRAMS.—Cooperate with State and local officials in developing airport plans and programs that are based on overall transportation needs. The airport plans and programs shall be developed in coordination with other transportation planning and considering comprehensive long-range land-use plans and overall social, economic, environmental, system performance, and energy conservation objectives. The process of developing airport plans and programs shall be continuing, cooperative, and comprehensive to the degree appropriate to the complexity of the transportation problems.

(2) GOALS FOR AIRPORT MASTER AND SYSTEM PLANS.—Encourage airport sponsors and State and local officials to develop airport master plans and airport system plans that—

(A) foster effective coordination between aviation planning and metropolitan planning;

(B) include an evaluation of aviation needs within the context of multimodal planning;

(C) consider passenger convenience, airport ground access, and access to airport facilities; and

(D) are integrated with metropolitan plans to ensure that airport development proposals include adequate consideration of land use and ground transportation access.

(3) REPRESENTATION OF AIRPORT OPERATORS ON MPO'S.—Encourage metropolitan planning organizations, particularly in areas with populations greater than 200,000, to establish membership positions for airport operators.

(h) CONSULTATION.—To carry out the policy of [subsection (a)(6)] *subsection (a)(7)* of this section, the Secretary of Transportation [shall] *may* consult with the Secretary of the Interior and the Administrator of the Environmental Protection Agency about any project included in a project grant application involving the location of an airport or runway, or a major runway extension, that may have a significant effect on—

(1) natural resources, including fish and wildlife;

(2) natural, scenic, and recreation assets;

(3) water and air quality; or

(4) another factor affecting the environment.

§ 47102. Definitions

In this subchapter—

[(1) “air carrier airport” means a public airport regularly served by—

[(A) an air carrier certificated by the Secretary of Transportation under section 41102 of this title (except a charter air carrier); or

[(B) at least one air carrier—

[(i) operating under an exemption from section 41101(a)(1) of this title that the Secretary grants; and

[(ii) having at least 2,500 passenger boardings at the airport during the prior calendar year.]

(1) “air carrier” has the meaning given the term in section 40102.

(2) “airport”—

(A) means—

(i) an area of land or water used or intended to be used for the landing and taking off of aircraft;

(ii) an appurtenant area used or intended to be used for airport buildings or other airport facilities or rights of way; and

(iii) airport buildings and facilities located in any of those areas; and

(B) includes a heliport.

(3) “airport development” means the following activities, if undertaken by the sponsor, owner, or operator of a public-use airport:

(A) constructing, repairing, or improving a public-use airport, including—

(i) removing, lowering, relocating, marking, and lighting an airport hazard; **[and]**

(ii) preparing a plan or specification, including carrying out a field investigation~~[\.]~~; *and*

(iii) *a secondary runway at a nonhub airport that is equivalent in size and type to the primary runway of such airport.*

(B) acquiring for, or installing at, a public-use airport—

(i) a navigation aid or another aid (including a precision approach system) used by aircraft for landing at or taking off from the airport, including preparing the site as required by the acquisition or installation;

(ii) safety or security equipment, including explosive detection devices, universal access systems, and emergency call boxes, the Secretary requires by regulation for, or approves as contributing significantly to, the safety or security of individuals and property at the airport and integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices;

(iii) equipment to remove snow, to measure runway surface friction, or for aviation-related weather reporting, including closed circuit weather surveillance equipment *and fuel infrastructure* if the airport is located in Alaska;

(iv) firefighting and rescue equipment at an airport that serves scheduled passenger operations of air carrier aircraft designed for more than 9 passenger seats;

(v) aircraft deicing equipment and structures (except aircraft deicing fluids and storage facilities for the equipment and fluids);

(vi) interactive training systems;

(vii) windshear detection equipment that is certified by the Administrator of the Federal Aviation Administration;

(viii) stainless steel adjustable lighting extensions approved by the Administrator;

(ix) engineered materials arresting systems as described in the Advisory Circular No. 150/5220-22 published by the Federal Aviation Administration on August 21, 1998, including any revision to the circular; and

(x) replacement of baggage conveyor systems, and reconfiguration of terminal baggage areas, that the Secretary determines are necessary to install bulk explosive detection devices; except that such activities shall be eligible for funding under this subchapter only using amounts apportioned under section 47114.

(C) acquiring an interest in land or airspace, including land for future airport development, that is needed—

(i) to carry out airport development described in subclause (A) or (B) of this clause; or

(ii) to remove or mitigate an existing airport hazard or prevent or limit the creation of a new airport hazard.

(D) acquiring land for, or constructing, a burn area training structure on or off the airport to provide live fire drill training for aircraft rescue and firefighting personnel required to receive the training under regulations the Secretary prescribes, including basic equipment and minimum structures to support the training under standards the Administrator of the Federal Aviation Administration prescribes.

(E) relocating [after December 31, 1991,] an air traffic control tower and any navigational aid (including radar) if the relocation is necessary to carry out a project approved by the Secretary under this subchapter or under section 40117.

(F) constructing, reconstructing, repairing, or improving an airport, or purchasing capital equipment for an airport, if necessary for compliance with the responsibilities of the operator or owner of the airport under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), except constructing or purchasing capital equipment that would benefit primarily a revenue-producing area of the airport used by a nonaeronautical business.

(G) acquiring land for, or work necessary to construct, a pad suitable for deicing aircraft before takeoff at a commercial service airport, including constructing or reconstructing paved areas, drainage collection structures, treatment and discharge systems, appropriate lighting, paved access for deicing vehicles and aircraft, and including acquiring glycol recovery vehicles, but not including acquiring aircraft deicing fluids or constructing or reconstructing storage facilities for aircraft deicing equipment or fluids.

(H) routine work to preserve and extend the useful life of runways, taxiways, and aprons at nonhub airports and airports that are not primary airports, under guidelines issued by the Administrator of the Federal Aviation Administration.

(I) constructing, reconstructing, or improving an airport, or purchasing nonrevenue generating capital equipment to be owned by an airport, for the purpose of transferring passengers, cargo, or baggage between the aeronautical and ground transportation modes on airport property.

(J) constructing an air traffic control tower or acquiring and installing air traffic control, communications, and related equipment at an air traffic control tower under the terms specified in section 47124(b)(4).

(K) work necessary to construct or modify airport facilities to provide low-emission fuel systems, gate electrification, and other related air quality improvements at a commercial service airport [if the airport is located in an air quality nonattainment or maintenance area (as defined in sections 171(2) and 175A of the Clean Air Act (42 U.S.C.

7501(2); 7505a)) and if the airport would be able to receive emission credits, as described in section 47139】.

(L) a project by a commercial service airport for the acquisition of airport-owned vehicles or ground support equipment equipped with low-emission technology if 【the airport is located in an air quality nonattainment or maintenance area (as defined in sections 171(2) and 175A of the Clean Air Act (42 U.S.C. 7501(2); 7505a)), if the airport would be able to receive appropriate emission credits (as described in section 47139), and】 the vehicles are;

(i) used exclusively on airport property; or

(ii) used exclusively to transport passengers and employees between the airport and the airport's consolidated rental car facility or an intermodal surface transportation facility adjacent to the airport.

(M) construction of mobile refueler parking within a fuel farm at a nonprimary airport meeting the requirements of section 112.8 of title 40, Code of Federal Regulations.

(N) terminal development under section 47119(a).

(O) acquiring and installing facilities and equipment to provide air conditioning, heating, or electric power from terminal-based, nonexclusive use facilities to aircraft parked at a public use airport for the purpose of reducing energy use or harmful emissions as compared to the provision of such air conditioning, heating, or electric power from aircraft-based systems.

(P) an on-airport project to 【improve the reliability and efficiency of the airport's power supply】 *improve reliability and efficiency of the airport's power supply or meet current and future electrical power demand* and to prevent power disruptions to the airfield, passenger terminal, and any other airport facilities, including the acquisition and installation of electrical generators, separation of the airport's main power supply from its redundant power supply, and the construction or modification of airport facilities to install a microgrid (as defined in section 641 of the United States Energy Storage Competitiveness Act of 2007 (42 U.S.C. 17231)).

(Q) converting or retrofitting vehicles and ground support equipment into eligible zero-emission vehicles and equipment (as defined in section 47136) and for acquiring, by purchase or lease, eligible zero-emission vehicles and equipment.

(R) predevelopment planning, including financial, legal, or procurement consulting services, related to an application or proposed application for an exemption under section 47134.

(S) *construction or renovation of childcare facilities for the exclusive use of airport employees or other individuals who work on airport property, including for air carriers and airport concessionaires.*

(T) *advanced digital construction management systems and related technology used in the planning, design and engineering, construction, operations, and maintenance of airport facilities.*

(U) *an improvement of any runway, taxiway, or apron that would be necessary to sustain commercial service flight operations or permit the resumption of flight operations under visual flight rules following a natural disaster at—*

(i) a primary airport; or

(ii) a general aviation airport that is designated as a Federal staging area by the Administrator of the Federal Emergency Management Agency.

(V) *any other activity that the Secretary concludes will reasonably improve or contribute to the maintenance of the safety, efficiency, or capacity of the airport.*

(4) “airport hazard” means a structure or object of natural growth located on or near a public-use airport, or a use of land near the airport, that obstructs or otherwise is hazardous to the landing or taking off of aircraft at or from the airport.

(5) “airport planning” means planning as defined by requirements the Secretary prescribes and includes—

(A) integrated airport system planning;

(B) developing an environmental management system; and

(C) developing a plan for recycling and minimizing the generation of airport solid waste, consistent with applicable State and local recycling laws, including the cost of a waste audit.

(D) assessing current and future electrical power demand.

(6) “amount made available under section 48103” or “amount newly made available” means the amount authorized for grants under section 48103 as that amount may be limited in that year by a subsequent law, but as determined without regard to grant obligation recoveries made in that year or amounts covered by section 47107(f).

(7) “commercial service airport” means a public airport in a State that the Secretary determines has at least 2,500 passenger boardings each year and is receiving scheduled passenger aircraft service.

(8) “general aviation airport” means a public-use airport that is located in a State and that, as determined by the Secretary—

(A) does not have scheduled service; or

(B) has scheduled service with less than 2,500 passenger boardings each year.

(9) “*heliport*”—

(A) means an area of land, water, or structure used or intended to be used for the landing or takeoff of aircraft capable of vertical takeoff and landing profiles; and

(B) includes a vertiport.

[(9)] (10) “integrated airport system planning” means developing for planning purposes information and guidance to decide the extent, kind, location, and timing of airport development needed in a specific area to establish a viable, balanced, and integrated system of public-use airports, including—

(A) identifying system needs;

(B) developing an estimate of systemwide development costs;

(C) conducting studies, surveys, and other planning actions, including those related to airport access, needed to decide which aeronautical needs should be met by a system of airports; and

(D) standards prescribed by a State, except standards for safety of approaches, for airport development at nonprimary public-use airports.

[(10)] (11) “landed weight” means the weight of aircraft transporting only cargo in intrastate, interstate, and foreign air transportation, as the Secretary determines under regulations the Secretary prescribes.

[(11)] (12) “large hub airport” means a commercial service airport that has at least 1.0 percent of the passenger boardings.

[(12)] (13) “low-emission technology” means technology for vehicles and equipment whose emission performance is the best achievable under emission standards established by the Environmental Protection Agency and that relies exclusively on alternative fuels that are substantially nonpetroleum based, as defined by the Department of Energy, but not excluding hybrid systems or natural gas powered vehicles.

[(13)] (14) “medium hub airport” means a commercial service airport that has at least 0.25 percent but less than 1.0 percent of the passenger boardings.

[(14)] (15) “nonhub airport” means a commercial service airport that has less than 0.05 percent of the passenger boardings.

[(15)] (16) “passenger boardings”—

(A) means, unless the context indicates otherwise, revenue passenger boardings in the United States in the prior calendar year on an aircraft in service in air commerce, as the Secretary determines under regulations the Secretary prescribes; and

(B) includes passengers who continue on an aircraft in international flight that stops at an airport in the 48 contiguous States, Alaska, or Hawaii for a nontraffic purpose.

[(16)] (17) “primary airport” means a commercial service airport the Secretary determines to have more than 10,000 passenger boardings each year.

[(17)] (18) “project” means a project, separate projects included in one project grant application, or all projects to be undertaken at an airport in a fiscal year, to achieve airport development or airport planning.

[(18)] (19) “project cost” means a cost involved in carrying out a project.

[(19)] (20) “project grant” means a grant of money the Secretary makes to a sponsor to carry out at least one project.

[(20)] (21) “public agency” means—

(A) a State or political subdivision of a State;

(B) a tax-supported organization; or

(C) an Indian tribe or pueblo.

[(21)] (22) “public airport” means an airport used or intended to be used for public purposes—

(A) that is under the control of a public agency; and

(B) of which the area used or intended to be used for the landing, taking off, or surface maneuvering of aircraft is publicly owned.

[(22)] (23) “public-use airport” means—

(A) a public airport; or

(B) a privately-owned airport used or intended to be used for public purposes that is—

(i) a reliever airport; or

(ii) determined by the Secretary to have at least 2,500 passenger boardings each year and to receive scheduled passenger aircraft service.

[(23)] (24) “reliever airport” means an airport the Secretary designates to relieve congestion at a commercial service airport and to provide more general aviation access to the overall community.

[(24)] (25) “revenue producing aeronautical support facilities” means fuel farms, hangar buildings, self-service credit card aeronautical fueling systems, airplane wash racks, major rehabilitation of a hangar owned by a sponsor, or other aeronautical support facilities that the Secretary determines will increase the revenue producing ability of the airport.

[(25)] (26) “small hub airport” means a commercial service airport that has at least 0.05 percent but less than 0.25 percent of the passenger boardings.

[(26)] (27) “sponsor” means—

(A) a public agency that submits to the Secretary under this subchapter an application for financial assistance; and

(B) a private owner of a public-use airport that submits to the Secretary under this subchapter an application for financial assistance for the airport.

[(27)] (28) “State” means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, the Northern Mariana Islands, [the Trust Territory of the Pacific Islands,] and Guam.

[(28)] (29) “terminal development” means—

(A) development of—

(i) an airport passenger terminal building, including terminal gates;

(ii) access roads servicing exclusively airport traffic that leads directly to or from an airport passenger terminal building; and

(iii) walkways that lead directly to or from an airport passenger terminal building; and

(B) the cost of a vehicle [described in section 47119(a)(1)(B)] *for moving passengers and baggage between terminal facilities and between terminal facilities and aircraft.*

(30) “vertiport” means an area of land, water, or structure used or intended to be used for the landing or takeoff of powered-lift aircraft capable of vertical takeoff and landing profiles.

§ 47103. National plan of integrated airport systems

(a) GENERAL REQUIREMENTS AND CONSIDERATIONS.—The Secretary of Transportation shall maintain the plan for developing public-use airports in the United States, named “the national plan

of integrated airport systems". The plan shall include the kind and estimated cost of eligible airport development the Secretary of Transportation considers necessary to provide a safe, efficient, and integrated system of public-use airports adequate to anticipate and meet the needs of civil aeronautics, to meet the national defense requirements of the Secretary of Defense, and to meet identified needs of the United States Postal Service. Airport development included in the plan may not be limited to meeting the needs of any particular classes or categories of public-use airports. In maintaining the plan, the Secretary of Transportation shall consider the needs of each segment of civil aviation and the relationship of the airport system to—

- (1) the rest of the transportation system, including connection to the surface transportation network; and
- (2) forecasted technological developments in aeronautics.

(b) SPECIFIC REQUIREMENTS.—In maintaining the plan, the Secretary of Transportation shall—

- (1) to the extent possible and as appropriate, consult with departments, agencies, and instrumentalities of the United States Government, with public agencies, and with the aviation community; and
- (2) make every reasonable effort to address the needs of air cargo operations and rotary wing aircraft operations.

(c) AVAILABILITY OF DOMESTIC MILITARY AIRPORTS AND AIRPORT FACILITIES.—To the extent possible, the Secretary of Defense shall make domestic military airports and airport facilities available for civil use. In advising the Secretary of Transportation under subsection (a) of this section, the Secretary of Defense shall indicate the extent to which domestic military airports and airport facilities are available for civil use.

(d) NON-COMPLIANT AIRPORTS.—

(1) *IN GENERAL.*—The Secretary shall include in the plan a detailed statement listing airports the Secretary has reason to believe are not in compliance with grant assurances or other requirements with respect to airport lands and shall include—

- (A) the circumstances of noncompliance;
- (B) the timeline for corrective action with respect to such noncompliance; and
- (C) any corrective action the Secretary intends to require to bring the airport sponsor into compliance.

(2) *LISTING.*—The Secretary is not required to conduct an audit or make a final determination before including an airport on the list referred to in paragraph (1).

[(d)] (e) PUBLICATION.—The Secretary of Transportation shall publish the plan every 2 years.

§ 47104. Project grant authority

(a) GENERAL AUTHORITY.—To maintain a safe and efficient nationwide system of public-use airports that meets the present and future needs of civil aeronautics, the Secretary of Transportation may make project grants under this subchapter from the Airport and Airway Trust Fund.

(b) INCURRING OBLIGATIONS.—The Secretary may incur obligations to make grants from amounts made available under section

48103 of this title as soon as the amounts are apportioned under section 47114(c) and (d)(2) of this title.

(c) EXPIRATION OF AUTHORITY.—After September 30, [2023] 2028, the Secretary may not incur obligations under subsection (b) of this section, except for obligations of amounts—

(1) remaining available after that date under section 47117(b) of this title; or

(2) recovered by the United States Government from grants made under this chapter if the amounts are obligated only for increases under section 47108(b)(2) and (3) of this title in the maximum amount of obligations of the Government for any other grant made under this title.

* * * * *

§ 47106. Project grant application approval conditioned on satisfaction of project requirements

(a) PROJECT GRANT APPLICATION APPROVAL.—The Secretary of Transportation may approve an application under this subchapter for a project grant only if the Secretary is satisfied that—

(1) the project is consistent with plans (existing at the time the project is approved) of public agencies authorized by the State in which the airport is located to plan for the development of the area surrounding the airport;

(2) the project will contribute to carrying out this subchapter;

(3) enough money is available to pay the project costs that will not be paid by the United States Government under this subchapter;

(4) the project will be completed without unreasonable delay;

(5) the sponsor has authority to carry out the project as proposed;

(6) if the project is for an airport that has an airport master plan that includes the project, the master plan addresses issues relating to solid waste recycling at the airport, including—

(A) the feasibility of solid waste recycling at the airport;

(B) minimizing the generation of solid waste at the airport;

(C) operation and maintenance requirements;

(D) the review of waste management contracts; and

(E) the potential for cost savings or the generation of revenue; and

(7) if the project is at an airport that is listed as having an unclassified status under the most recent national plan of integrated airport systems (as described in section 47103), the project will be funded with an amount appropriated under [section 47114(d)(3)(B)] *section 47114(d)(2)(B)* and is—

(A) for maintenance of the pavement of the primary runway;

(B) for obstruction removal for the primary runway;

(C) for the rehabilitation of the primary runway; or

(D) for a project that the Secretary considers necessary for the safe operation of the airport.

(b) AIRPORT DEVELOPMENT PROJECT GRANT APPLICATION APPROVAL.—The Secretary may approve an application under this

subchapter for an airport development project grant for an airport only if the Secretary is satisfied that—

(1) the sponsor, a public agency, or the Government holds good title to the areas of the airport used or intended to be used for the landing, taking off, or surface maneuvering of aircraft, or that good title will be acquired;

(2) the interests of the community in or near which the project may be located have been given fair consideration; and

(3) the application provides touchdown zone and centerline runway lighting, high intensity runway lighting, or land necessary for installing approach light systems that the Secretary, considering the category of the airport and the kind and volume of traffic using it, decides is necessary for safe and efficient use of the airport by aircraft.

(c) ENVIRONMENTAL REQUIREMENTS.—(1) The Secretary may approve an application under this subchapter for an airport development project involving the location of an airport or runway or a major runway extension—

(A) only if the sponsor certifies to the Secretary that—

(i) an opportunity for a public hearing was given to consider the economic, social, and environmental effects of the location and the location's consistency with the objectives of any planning that the community has carried out;

(ii) the airport management board has voting representation from the communities in which the project is located or has advised the communities that they have the right to petition the Secretary about a proposed project; and

(iii) with respect to an airport development project involving the location of an airport, runway, or major runway extension at a medium or large hub airport, the airport sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted; and

(B) if the application is found to have a significant adverse effect on natural resources, including fish and wildlife, natural, scenic, and recreation assets, water and air quality, or another factor affecting the environment, only after finding that no possible and prudent alternative to the project exists and that every reasonable step has been taken to minimize the adverse effect.

(2) The Secretary may approve an application under this subchapter for an airport development project that does not involve the location of an airport or runway, or a major runway extension, at an existing airport without requiring an environmental impact statement related to noise for the project if—

(A) completing the project would allow operations at the airport involving aircraft complying with the noise standards prescribed for “stage 3” aircraft in section 36.1 of title 14, Code of Federal Regulations, to replace existing operations involving aircraft that do not comply with those standards; and

(B) the project meets the other requirements under this subchapter.

(3) At the Secretary's request, the sponsor shall give the Secretary a copy of the transcript of any hearing held under paragraph (1)(A) of this subsection.

(4) The Secretary may make a finding under paragraph (1)(B) of this subsection only after completely reviewing the matter. The review and finding must be a matter of public record.

(d) WITHHOLDING APPROVAL.—(1) The Secretary may withhold approval of an application under this subchapter for amounts apportioned under section 47114(c) and (e) of this title for violating an assurance or requirement of this subchapter only if—

(A) the Secretary provides the sponsor an opportunity for a hearing; and

(B) not later than 180 days after the later of the date of the application or the date the Secretary discovers the noncompliance, the Secretary finds that a violation has occurred.

(2) The 180-day period may be extended by—

(A) agreement between the Secretary and the sponsor; or

(B) the hearing officer if the officer decides an extension is necessary because the sponsor did not follow the schedule the officer established.

(3) A person adversely affected by an order of the Secretary withholding approval may obtain review of the order by filing a petition in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the project is located. The action must be brought not later than 60 days after the order is served on the petitioner.

(e) REPORTS RELATING TO CONSTRUCTION OF CERTAIN NEW HUB AIRPORTS.—At least 90 days prior to the approval under this subchapter of a project grant application for construction of a new hub airport that is expected to have 0.25 percent or more of the total annual enplanements in the United States, the Secretary shall submit to Congress a report analyzing the anticipated impact of such proposed new airport on—

(1) the fees charged to air carriers (including landing fees), and other costs that will be incurred by air carriers, for using the proposed airport;

(2) air transportation that will be provided in the geographic region of the proposed airport; and

(3) the availability and cost of providing air transportation to rural areas in such geographic region.

(f) COMPETITION PLANS.—

(1) PROHIBITION.—Beginning in fiscal year 2001, no passenger facility charge may be approved for a covered airport under section 40117 and no grant may be made under this subchapter for a covered airport unless the airport has submitted to the Secretary a written competition plan in accordance with this subsection.

(2) CONTENTS.—A competition plan under this subsection shall include information on the availability of airport gates and related facilities, leasing and sub-leasing arrangements, gate-use requirements, gate-assignment policy, financial constraints, airport controls over air- and ground-side capacity, and whether the airport intends to build or acquire gates that would be used as common facilities.

(3) SPECIAL RULE FOR FISCAL YEAR 2002.—This subsection does not apply to any passenger facility fee approved, or grant made, in fiscal year 2002 if the fee or grant is to be used to improve security at a covered airport.

(4) COVERED AIRPORT DEFINED.—In this subsection, the term “covered airport” means a commercial service airport—

(A) that has more than .25 percent of the total number of passenger boardings each year at all such airports; and

(B) at which one or two air carriers control more than 50 percent of the passenger boardings.

(g) CONSULTATION WITH SECRETARY OF HOMELAND SECURITY.—The Secretary shall consult with the Secretary of Homeland Security before approving an application under this subchapter for an airport development project grant for activities described in section 47102(3)(B)(ii) only as they relate to security equipment or section 47102(3)(B)(x) only as they relate to installation of bulk explosive detection system.

(h) EVALUATION OF AIRPORT MASTER PLANS.—When evaluating the master plan of an airport for purposes of this subchapter, the Secretary shall take into account—

(1) the role the airport plays with respect to medical emergencies and evacuations; and

(2) the role the airport plays in emergency or disaster preparedness in the community served by the airport.

§ 47107. Project grant application approval conditioned on assurances about airport operations

(a) GENERAL WRITTEN ASSURANCES.—The Secretary of Transportation may approve a project grant application under this subchapter for an airport development project only if the Secretary receives written assurances, satisfactory to the Secretary, that—

(1) the airport will be available for public use on reasonable conditions and without unjust discrimination;

(2) air carriers making similar use of the airport will be subject to substantially comparable charges—

(A) for facilities directly and substantially related to providing air transportation; and

(B) regulations and conditions, except for differences based on reasonable classifications, such as between—

(i) tenants and nontenants; and

(ii) signatory and nonsignatory carriers;

(3) the airport operator will not withhold unreasonably the classification or status of tenant or signatory from an air carrier that assumes obligations substantially similar to those already imposed on air carriers of that classification or status;

(4) a person providing, or intending to provide, aeronautical services to the public will not be given an exclusive right to use the airport, with a right given to only one fixed-base operator to provide services at an airport deemed not to be an exclusive right if—

(A) the right would be unreasonably costly, burdensome, or impractical for more than one fixed-base operator to provide the services; and

(B) allowing more than one fixed-base operator to provide the services would require reducing the space leased

- under an existing agreement between the one fixed-base operator and the airport owner or operator;
- (5) fixed-base operators similarly using the airport will be subject to the same charges;
- (6) an air carrier using the airport may service itself or use any fixed-base operator allowed by the airport operator to service any carrier at the airport;
- (7) the airport and facilities on or connected with the airport will be operated and maintained suitably, with consideration given to climatic and flood conditions;
- (8) a proposal to close the airport temporarily for a nonaeronautical purpose must first be approved by the Secretary;
- (9) appropriate action will be taken to ensure that terminal airspace required to protect instrument and visual operations to the airport (including operations at established minimum flight altitudes) will be cleared and protected by mitigating existing, and preventing future, airport hazards;
- (10) appropriate action, including the adoption of zoning laws, has been or will be taken to the extent reasonable to restrict the use of land next to or near the airport to uses that are compatible with normal airport operations;
- (11) each of the airport's facilities developed with financial assistance from the United States Government and each of the airport's facilities usable for the landing and taking off of aircraft always will be available without charge for use by Government aircraft in common with other aircraft, except that if the use is substantial, the Government may be charged a reasonable share, proportionate to the use, of the cost of operating and maintaining the facility used;
- (12) the airport owner or operator will provide, without charge to the Government, property interests of the sponsor in land or water areas or buildings that the Secretary decides are desirable for, and that will be used for, constructing at Government expense, facilities for carrying out activities related to air traffic control or navigation;
- (13) the airport owner or operator will maintain a schedule of charges for use of facilities and services at the airport—
- (A) that will make the airport as self-sustaining as possible under the circumstances existing at the airport, including volume of traffic and economy of collection; and
- (B) without including in the rate base used for the charges the Government's share of costs for any project for which a grant is made under this subchapter or was made under the Federal Airport Act or the Airport and Airway Development Act of 1970;
- (14) the project accounts and records will be kept using a standard system of accounting that the Secretary, after consulting with appropriate public agencies, prescribes;
- (15) the airport owner or operator will submit any annual or special airport financial and operations reports to the Secretary that the Secretary reasonably requests and make such reports available to the public;
- (16) the airport owner or operator will maintain a current layout plan of the airport that meets the following requirements:

- (A) the plan will be in a form the Secretary prescribes;
- (B) the Secretary will review and approve or disapprove only those portions of the plan (or any subsequent revision to the plan) that materially impact the safe and efficient operation of aircraft at, to, or from the airport or that would adversely affect the safety of people or property on the ground adjacent to the airport as a result of aircraft operations, or that adversely affect the value of prior Federal investments to a significant extent;
- (C) the owner or operator will not make or allow any alteration in the airport or any of its facilities unless the alteration—
 - (i) is outside the scope of the Secretary's review and approval authority as set forth in subparagraph (B); or
 - (ii) complies with the portions of the plan approved by the Secretary; and
- (D) when an alteration in the airport or its facility is made that is within the scope of the Secretary's review and approval authority as set forth in subparagraph (B), and does not conform with the portions of the plan approved by the Secretary, and the Secretary decides that the alteration adversely affects the safety, utility, or efficiency of aircraft operations, or of any property on or off the airport that is owned, leased, or financed by the Government, then the owner or operator will, if requested by the Secretary—
 - (i) eliminate the adverse effect in a way the Secretary approves; or
 - (ii) bear all cost of relocating the property or its replacement to a site acceptable to the Secretary and of restoring the property or its replacement to the level of safety, utility, efficiency, and cost of operation that existed before the alteration was made, except in the case of a relocation or replacement of an existing airport facility that meets the conditions of section 47110(d);
- (17) if any phase of such project has received funds under this subchapter, each contract and subcontract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, and related services will be awarded in the same way that a contract for architectural and engineering services is negotiated under chapter 11 of title 40 or an equivalent qualifications-based requirement prescribed for or by the sponsor;
- (18) the airport and each airport record will be available for inspection by the Secretary on reasonable request, and a report of the airport budget will be available to the public at reasonable times and places;
- (19) the airport owner or operator will submit to the Secretary and make available to the public an annual report listing in detail—
 - (A) all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and

- (B) all services and property provided to other units of government and the amount of compensation received for provision of each such service and property;
- (20) the airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport, but the sponsor does not have any obligation under this paragraph, or because of it, to fund special facilities for intercity bus service or for other modes of transportation; and
- (21) if the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long-term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.
- (b) WRITTEN ASSURANCES ON USE OF REVENUE.—(1) The Secretary of Transportation may approve a project grant application under this subchapter for an airport development project only if the Secretary receives written assurances, satisfactory to the Secretary, that local taxes on aviation fuel (except taxes in effect on December 30, 1987) and the revenues generated by a public airport will be expended for the capital or operating costs of—
- (A) the airport;
 - (B) the local airport system; or
 - (C) other local facilities owned or operated by the airport owner or operator and directly and substantially related to the air transportation of passengers or property.
- (2) Paragraph (1) of this subsection does not apply if a provision enacted not later than September 2, 1982, in a law controlling financing by the airport owner or operator, or a covenant or assurance in a debt obligation issued not later than September 2, 1982, by the owner or operator, provides that the revenues, including local taxes on aviation fuel at public airports, from any of the facilities of the owner or operator, including the airport, be used to support not only the airport but also the general debt obligations or other facilities of the owner or operator.
- (3) This subsection does not prevent the use of a State tax on aviation fuel to support a State aviation program or the use of airport revenue on or off the airport for a noise mitigation purpose.
- (c) WRITTEN ASSURANCES ON ACQUIRING LAND.—(1) In this subsection, land is needed for an airport purpose (except a noise compatibility purpose) if—
- (A)(i) the land may be needed for an aeronautical purpose (including runway protection zone) or serves as noise buffer land; and
 - (ii) revenue from interim uses of the land contributes to the financial self-sufficiency of the airport; and
- (B) for land purchased with a grant the owner or operator received not later than December 30, 1987, the Secretary of Transportation or the department, agency, or instrumentality of the Government that made the grant was notified by the owner or operator of the use of the land and did not object to the use and the land is still being used for that purpose.

(2) The Secretary of Transportation may approve an application under this subchapter for an airport development project grant only if the Secretary receives written assurances, satisfactory to the Secretary, that if an airport owner or operator has received or will receive a grant for acquiring land and—

(A) if the land was or will be acquired for a noise compatibility purpose (including land serving as a noise buffer either by being undeveloped or developed in a way that is compatible with using the land for noise buffering purposes)—

(i) the owner or operator will dispose of the land at fair market value at the earliest practicable time after the land no longer is needed for a noise compatibility purpose;

(ii) the disposition will be subject to retaining or reserving an interest in the land necessary to ensure that the land will be used in a way that is compatible with noise levels associated with operating the airport; and

(iii) the part of the proceeds from disposing of the land that is proportional to the Government's share of the cost of acquiring the land will be reinvested in another project at the airport or transferred to another airport as the Secretary prescribes under paragraph (4); or

(B) if the land was or will be acquired for an airport purpose (except a noise compatibility purpose)—

(i) the owner or operator, when the land no longer is needed for an airport purpose, will dispose of the land at fair market value or make available to the Secretary an amount equal to the Government's proportional share of the fair market value;

(ii) the disposition will be subject to retaining or reserving an interest in the land necessary to ensure that the land will be used in a way that is compatible with noise levels associated with operating the airport; and

(iii) the part of the proceeds from disposing of the land that is proportional to the Government's share of the cost of acquiring the land will be reinvested in another project at the airport or transferred to another airport as the Secretary prescribes under paragraph (4).

(3) Proceeds referred to in paragraph (2)(A)(iii) and (B)(iii) of this subsection and deposited in the Airport and Airway Trust Fund are available as provided in subsection (f) of this section.

(4) In approving the reinvestment or transfer of proceeds under paragraph (2)(A)(iii) or (2)(B)(iii), the Secretary shall give preference, in descending order, to the following actions:

(A) Reinvestment in an approved noise compatibility project.

(B) Reinvestment in an approved project that is eligible for funding under section 47117(e).

(C) Reinvestment in an approved airport development project that is eligible for funding under section 47114, 47115, or 47117.

(D) Transfer to a sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport.

(E) Payment to the Secretary for deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986.

(5)(A) A lease at fair market value by an airport owner or operator of land acquired for a noise compatibility purpose using a grant provided under this subchapter shall not be considered a disposal for purposes of paragraph (2).

(B) The airport owner or operator may use revenues from a lease described in subparagraph (A) for an approved airport development project that is eligible for funding under section 47114, 47115, or 47117.

(C) The Secretary shall coordinate with each airport owner or operator to ensure that leases described in subparagraph (A) are consistent with noise buffering purposes.

(D) The provisions of this paragraph apply to all land acquired before, on, or after the date of enactment of this paragraph.

(d) ASSURANCES OF CONTINUATION AS PUBLIC-USE AIRPORT.—The Secretary of Transportation may approve an application under this subchapter for an airport development project grant for a privately owned public-use airport only if the Secretary receives appropriate assurances that the airport will continue to function as a public-use airport during the economic life (that must be at least 10 years) of any facility at the airport that was developed with Government financial assistance under this subchapter.

(e) WRITTEN ASSURANCES OF OPPORTUNITIES FOR SMALL BUSINESS CONCERNS.—(1) The Secretary of Transportation may approve a project grant application under this subchapter for an airport development project only if the Secretary receives written assurances, satisfactory to the Secretary, that the airport owner or operator will take necessary action to ensure, to the maximum extent practicable, that at least 10 percent of all businesses at the airport selling consumer products or providing consumer services to the public are small business concerns (as defined by regulations of the Secretary) owned and controlled by a socially and economically disadvantaged individual (as defined in section 47113(a) of this title) or qualified HUBZone small business concerns (as defined in section 31(b) of the Small Business Act).

(2) An airport owner or operator may meet the percentage goal of paragraph (1) of this subsection by including any business operated through a management contract or subcontract. The dollar amount of a management contract or subcontract with a disadvantaged business enterprise shall be added to the total participation by disadvantaged business enterprises in airport concessions and to the base from which the airport's percentage goal is calculated. The dollar amount of a management contract or subcontract with a non-disadvantaged business enterprise and the gross revenue of business activities to which the management contract or subcontract pertains may not be added to this base.

(3) Except as provided in paragraph (4) of this subsection, an airport owner or operator may meet the percentage goal of paragraph (1) of this subsection by including the purchase from disadvantaged business enterprises of goods and services used in businesses conducted at the airport, but the owner or operator and the businesses conducted at the airport shall make good faith efforts to explore all available options to achieve, to the maximum extent practicable, compliance with the goal through direct ownership arrangements, including joint ventures and franchises.

(4)(A) In complying with paragraph (1) of this subsection, an airport owner or operator shall include the revenues of car rental firms at the airport in the base from which the percentage goal in paragraph (1) is calculated.

(B) An airport owner or operator may require a car rental firm to meet a requirement under paragraph (1) of this subsection by purchasing or leasing goods or services from a disadvantaged business enterprise. If an owner or operator requires such a purchase or lease, a car rental firm shall be permitted to meet the requirement by including purchases or leases of vehicles from any vendor that qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual or as a qualified HUBZone small business concern (as defined in section 31(b) of the Small Business Act).

(C) This subsection does not require a car rental firm to change its corporate structure to provide for direct ownership arrangements to meet the requirements of this subsection.

(5) This subsection does not preempt—

(A) a State or local law, regulation, or policy enacted by the governing body of an airport owner or operator; or

(B) the authority of a State or local government or airport owner or operator to adopt or enforce a law, regulation, or policy related to disadvantaged business enterprises.

(6) An airport owner or operator may provide opportunities for a small business concern owned and controlled by a socially and economically disadvantaged individual or a qualified HUBZone small business concern (as defined in section 31(b) of the Small Business Act) to participate through direct contractual agreement with that concern.

(7) An air carrier that provides passenger or property-carrying services or another business that conducts aeronautical activities at an airport may not be included in the percentage goal of paragraph (1) of this subsection for participation of small business concerns at the airport.

(8) Not later than April 29, 1993, the Secretary of Transportation shall prescribe regulations to carry out this subsection.

(f) AVAILABILITY OF AMOUNTS.—An amount deposited in the Airport and Airway Trust Fund under—

(1) subsection (c)(2)(A)(iii) of this section is available to the Secretary of Transportation to make a grant for airport development or airport planning under section 47104 of this title;

(2) subsection (c)(2)(B)(iii) of this section is available to the Secretary—

(A) to make a grant for a purpose described in section 47115(b) of this title; and

(B) for use under section 47114(d)(2) of this title at another airport in the State in which the land was disposed of under subsection (c)(2)(B)(ii) of this section; and

(3) subsection (c)(2)(B)(iii) of this section is in addition to an amount made available to the Secretary under section 48103 of this title and not subject to apportionment under section 47114 of this title.

(g) ENSURING COMPLIANCE.—(1) To ensure compliance with this section, the Secretary of Transportation—

(A) shall prescribe requirements for sponsors that the Secretary considers necessary; and

(B) may make a contract with a public agency.

(2) The Secretary of Transportation may approve an application for a project grant only if the Secretary is satisfied that the requirements prescribed under paragraph (1)(A) of this subsection have been or will be met.

(h) **MODIFYING ASSURANCES AND REQUIRING COMPLIANCE WITH ADDITIONAL ASSURANCES.**—

(1) **IN GENERAL.**—Subject to paragraph (2), before modifying an assurance required of a person receiving a grant under this subchapter and in effect after December 29, 1987, or to require compliance with an additional assurance from the person, the Secretary of Transportation must—

(A) publish notice of the proposed modification in the Federal Register; and

(B) provide an opportunity for comment on the proposal.

(2) **PUBLIC NOTICE BEFORE WAIVER OF AERONAUTICAL LAND-USE ASSURANCE.**—Before modifying an assurance under subsection (c)(2)(B) that requires any property to be used for an aeronautical purpose, the Secretary must provide notice to the public not less than 30 days before making such modification.

(i) **RELIEF FROM OBLIGATION TO PROVIDE FREE SPACE.**—When a sponsor provides a property interest in a land or water area or a building that the Secretary of Transportation uses to construct a facility at Government expense, the Secretary may relieve the sponsor from an obligation in a contract made under this chapter, the Airport and Airway Development Act of 1970, or the Federal Airport Act to provide free space to the Government in an airport building, to the extent the Secretary finds that the free space no longer is needed to carry out activities related to air traffic control or navigation.

(j) **USE OF REVENUE IN HAWAII.**—(1) In this subsection—

(A) “duty-free merchandise” and “duty-free sales enterprise” have the same meanings given those terms in section 555(b)(8) of the Tariff Act of 1930 (19 U.S.C. 1555(b)(8)).

(B) “highway” and “Federal-aid system” have the same meanings given those terms in section 101(a) of title 23.

(2) Notwithstanding subsection (b)(1) of this section, Hawaii may use, for a project for construction or reconstruction of a highway on a Federal-aid system that is not more than 10 miles by road from an airport and that will facilitate access to the airport, revenue from the sales at off-airport locations in Hawaii of duty-free merchandise under a contract between Hawaii and a duty-free sales enterprise. However, the revenue resulting during a Hawaiian fiscal year may be used only if the amount of the revenue, plus amounts Hawaii receives in the fiscal year from all other sources for costs Hawaii incurs for operating all airports it operates and for debt service related to capital projects for the airports (including interest and amortization of principal costs), is more than 150 percent of the projected costs for the fiscal year.

(3)(A) Revenue from sales referred to in paragraph (2) of this subsection in a Hawaiian fiscal year that Hawaii may use may not be more than the amount that is greater than 150 percent as determined under paragraph (2).

(B) The maximum amount of revenue Hawaii may use under paragraph (2) of this subsection is \$250,000,000.

(4) If a fee imposed or collected for rent, landing, or service from an aircraft operator by an airport operated by Hawaii is increased during the period from May 4, 1990, through December 31, 1994, by more than the percentage change in the Consumer Price Index of All Urban Consumers for Honolulu, Hawaii, that the Secretary of Labor publishes during that period and if revenue derived from the fee increases because the fee increased, the amount under paragraph (3)(B) of this subsection shall be reduced by the amount of the projected revenue increase in the period less the part of the increase attributable to changes in the Index in the period.

(5) Hawaii shall determine costs, revenue, and projected revenue increases referred to in this subsection and shall submit the determinations to the Secretary of Transportation. A determination is approved unless the Secretary disapproves it not later than 30 days after it is submitted.

(6) Hawaii is not eligible for a grant under section 47115 of this title in a fiscal year in which Hawaii uses under paragraph (2) of this subsection revenue from sales referred to in paragraph (2). Hawaii shall repay amounts it receives in a fiscal year under a grant it is not eligible to receive because of this paragraph to the Secretary of Transportation for deposit in the discretionary fund established under section 47115.

(7)(A) This subsection applies only to revenue from sales referred to in paragraph (2) of this subsection from May 5, 1990, through December 30, 1994, and to amounts in the Airport Revenue Fund of Hawaii that are attributable to revenue before May 4, 1990, on sales referred to in paragraph (2).

(B) Revenue from sales referred to in paragraph (2) of this subsection from May 5, 1990, through December 30, 1994, may be used under paragraph (2) in any Hawaiian fiscal year, including a Hawaiian fiscal year beginning after December 31, 1994.

(k) POLICIES AND PROCEDURES TO ENSURE ENFORCEMENT AGAINST ILLEGAL DIVERSION OF AIRPORT REVENUE.—

(1) IN GENERAL.—Not later than 90 days after August 23, 1994, the Secretary of Transportation shall establish policies and procedures that will assure the prompt and effective enforcement of subsections (a)(13) and (b) of this section and grant assurances made under such subsections. Such policies and procedures shall recognize the exemption provision in subsection (b)(2) of this section and shall respond to the information contained in the reports of the Inspector General of the Department of Transportation on airport revenue diversion and such other relevant information as the Secretary may by law consider.

(2) REVENUE DIVERSION.—Policies and procedures to be established pursuant to paragraph (1) of this subsection shall prohibit, at a minimum, the diversion of airport revenues (except as authorized under subsection (b) of this section) through—

(A) direct payments or indirect payments, other than payments reflecting the value of services and facilities provided to the airport;

(B) use of airport revenues for general economic development, marketing, and promotional activities unrelated to airports or airport systems;

(C) payments in lieu of taxes or other assessments that exceed the value of services provided; or

(D) payments to compensate nonsponsoring governmental bodies for lost tax revenues exceeding stated tax rates.

(3) EFFORTS TO BE SELF-SUSTAINING.—With respect to subsection (a)(13) of this section, policies and procedures to be established pursuant to paragraph (1) of this subsection shall take into account, at a minimum, whether owners and operators of airports, when entering into new or revised agreements or otherwise establishing rates, charges, and fees, have undertaken reasonable efforts to make their particular airports as self-sustaining as possible under the circumstances existing at such airports.

(4) ADMINISTRATIVE SAFEGUARDS.—Policies and procedures to be established pursuant to paragraph (1) shall mandate internal controls, auditing requirements, and increased levels of Department of Transportation personnel sufficient to respond fully and promptly to complaints received regarding possible violations of subsections (a)(13) and (b) of this section and grant assurances made under such subsections and to alert the Secretary to such possible violations.

(5) STATUTE OF LIMITATIONS.—In addition to the statute of limitations specified in subsection (m)(7), with respect to project grants made under this chapter—

(A) any request by a sponsor or any other governmental entity to any airport for additional payments for services conducted off of the airport or for reimbursement for capital contributions or operating expenses shall be filed not later than 6 years after the date on which the expense is incurred; and

(B) any amount of airport funds that are used to make a payment or reimbursement as described in subparagraph (A) after the date specified in that subparagraph shall be considered to be an illegal diversion of airport revenues that is subject to subsection (m).

(1) AUDIT CERTIFICATION.—

(1) IN GENERAL.—The Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration, shall include a provision in the compliance supplement provisions to require a recipient of a project grant (or any other recipient of Federal financial assistance that is provided for an airport) to include as part of an annual audit conducted under sections 7501 through 7505 of title 31, a review concerning the funding activities with respect to an airport that is the subject of the project grant (or other Federal financial assistance) and the sponsors, owners, or operators (or other recipients) involved.

(2) CONTENT OF REVIEW.—A review conducted under paragraph (1) shall provide reasonable assurances that funds paid or transferred to sponsors are paid or transferred in a manner consistent with the applicable requirements of this chapter and

any other applicable provision of law (including regulations promulgated by the Secretary or the Administrator).

(m) RECOVERY OF ILLEGALLY DIVERTED FUNDS.—

(1) IN GENERAL.—Not later than 180 days after the issuance of an audit or any other report that identifies an illegal diversion of airport revenues (as determined under subsections (b) and (k) and section 47133), the Secretary, acting through the Administrator, shall—

- (A) review the audit or report;
- (B) perform appropriate factfinding; and
- (C) conduct a hearing and render a final determination concerning whether the illegal diversion of airport revenues asserted in the audit or report occurred.

(2) NOTIFICATION.—Upon making such a finding, the Secretary, acting through the Administrator, shall provide written notification to the sponsor and the airport of—

- (A) the finding; and
- (B) the obligations of the sponsor to reimburse the airport involved under this paragraph.

(3) ADMINISTRATIVE ACTION.—The Secretary may withhold any amount from funds that would otherwise be made available to the sponsor, including funds that would otherwise be made available to a State, municipality, or political subdivision thereof (including any multimodal transportation agency or transit authority of which the sponsor is a member entity) as part of an apportionment or grant made available pursuant to this title, if the sponsor—

- (A) receives notification that the sponsor is required to reimburse an airport; and
- (B) has had an opportunity to reimburse the airport, but has failed to do so.

(4) CIVIL ACTION.—If a sponsor fails to pay an amount specified under paragraph (3) during the 180-day period beginning on the date of notification and the Secretary is unable to withhold a sufficient amount under paragraph (3), the Secretary, acting through the Administrator, may initiate a civil action under which the sponsor shall be liable for civil penalty in [an amount equal to] *an amount equal to double* the illegal diversion in question plus interest (as determined under subsection (n)).

(5) DISPOSITION OF PENALTIES.—

(A) AMOUNTS WITHHELD.—The Secretary or the Administrator shall transfer any amounts withheld under paragraph (3) to the Airport and Airway Trust Fund.

(B) CIVIL PENALTIES.—With respect to any amount collected by a court in a civil action under paragraph (4), the court shall cause to be transferred to the Airport and Airway Trust Fund any amount collected as a civil penalty under paragraph (4).

(6) REIMBURSEMENT.—The Secretary, acting through the Administrator, shall, as soon as practicable after any amount is collected from a sponsor under paragraph (4), cause to be transferred from the Airport and Airway Trust Fund to an airport affected by a diversion that is the subject of a civil action under paragraph (4), reimbursement in an amount equal to the

amount that has been collected from the sponsor under paragraph (4) (including any amount of interest calculated under subsection (n)).

(7) STATUTE OF LIMITATIONS.—No person may bring an action for the recovery of funds illegally diverted in violation of this section (as determined under subsections (b) and (k)) or section 47133 after the date that is 6 years after the date on which the diversion occurred.

(n) INTEREST.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary, acting through the Administrator, shall charge a minimum annual rate of interest on the amount of any illegal diversion of revenues referred to in subsection (m) in [an amount equal to] *an amount equal to double* the average investment interest rate for tax and loan accounts of the Department of the Treasury (as determined by the Secretary of the Treasury) for the applicable calendar year, rounded to the nearest whole percentage point.

(2) ADJUSTMENT OF INTEREST RATES.—If, with respect to a calendar quarter, the average investment interest rate for tax and loan accounts of the Department of the Treasury exceeds the average investment interest rate for the immediately preceding calendar quarter, rounded to the nearest whole percentage point, the Secretary of the Treasury may adjust the interest rate charged under this subsection in a manner that reflects that change.

(3) ACCRUAL.—Interest assessed under subsection (m) shall accrue from the date of the actual illegal diversion of revenues referred to in subsection (m).

(4) DETERMINATION OF APPLICABLE RATE.—The applicable rate of interest charged under paragraph (1) shall—

(A) be the rate in effect on the date on which interest begins to accrue under paragraph (3); and

(B) remain at a rate fixed under subparagraph (A) during the duration of the indebtedness.

(o) PAYMENT BY AIRPORT TO SPONSOR.—If, in the course of an audit or other review conducted under this section, the Secretary or the Administrator determines that an airport owes a sponsor funds as a result of activities conducted by the sponsor or expenditures by the sponsor for the benefit of the airport, interest on that amount shall be determined in the same manner as provided in paragraphs (1) through (4) of subsection (n), except that the amount of any interest assessed under this subsection shall be determined from the date on which the Secretary or the Administrator makes that determination.

(p) Notwithstanding any written assurances prescribed in subsections (a) through (o), a general aviation airport with more than 300,000 annual operations may be exempt from having to accept scheduled passenger air carrier service, provided that the following conditions are met:

(1) No scheduled passenger air carrier has provided service at the airport within 5 years prior to January 1, 2002.

(2) The airport is located within or underneath the Class B airspace of an airport that maintains an airport operating certificate pursuant to section 44706 of title 49.

(3) The certificated airport operating under section 44706 of title 49 does not contribute to significant passenger delays as defined by DOT/FAA in the “Airport Capacity Benchmark Report 2001”.

(q) An airport that meets the conditions of paragraphs (1) through (3) of subsection (p) is not subject to section 47524 of title 49 with respect to a prohibition on all scheduled passenger service.

(r) COMPETITION DISCLOSURE REQUIREMENT.—

(1) IN GENERAL.—The Secretary of Transportation may approve an application under this subchapter for an airport development project grant for a large hub airport or a medium hub airport only if the Secretary receives assurances that the airport sponsor will provide the information required by paragraph (2) at such time and in such form as the Secretary may require.

(2) COMPETITIVE ACCESS.—On February 1 and August 1 of each year, an airport that during the previous 6-month period has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to provide service to the airport or to expand service at the airport shall transmit a report to the Secretary that—

(A) describes the requests;

(B) provides an explanation as to why the requests could not be accommodated; and

(C) provides a time frame within which, if any, the airport will be able to accommodate the requests.

(3) SUNSET PROVISION.—This subsection shall cease to be effective beginning October 1, [2023] 2028.

(s) AGREEMENTS GRANTING THROUGH-THE-FENCE ACCESS TO GENERAL AVIATION AIRPORTS.—

(1) IN GENERAL.—Subject to paragraph (2), a sponsor of a general aviation airport shall not be considered to be in violation of this subtitle, or to be in violation of a grant assurance made under this section or under any other provision of law as a condition for the receipt of Federal financial assistance for airport development, solely because the sponsor enters into an agreement that grants to a person that owns residential real property adjacent to or near the airport access to the airfield of the airport for the following:

(A) Aircraft of the person.

(B) Aircraft authorized by the person.

(2) THROUGH-THE-FENCE AGREEMENTS.—

(A) IN GENERAL.—An agreement described in paragraph (1) between an airport sponsor and a property owner (or an association representing such property owner) shall be a written agreement that prescribes the rights, responsibilities, charges, duration, and other terms the airport sponsor determines are necessary to establish and manage the airport sponsor’s relationship with the property owner.

(B) TERMS AND CONDITIONS.—An agreement described in paragraph (1) between an airport sponsor and a property owner (or an association representing such property owner) shall require the property owner, at minimum—

(i) to pay airport access charges that, as determined by the airport sponsor, are comparable to those

charged to tenants and operators on-airport making similar use of the airport;

(ii) to bear the cost of building and maintaining the infrastructure that, as determined by the airport sponsor, is necessary to provide aircraft located on the property adjacent to or near the airport access to the airfield of the airport;

(iii) to maintain the property for residential, non-commercial use for the duration of the agreement;

(iv) to prohibit access to the airport from other properties through the property of the property owner; and

(v) to prohibit any aircraft refueling from occurring on the property.

(3) EXEMPTION.—The terms and conditions of paragraph (2) shall not apply to an agreement described in paragraph (1) made before the enactment of the FAA Modernization and Reform Act of 2012 (Public Law 112–95) that the Secretary determines does not comply with such terms and conditions but involves property that is subject to deed or lease restrictions that are considered perpetual and that cannot readily be brought into compliance. However, if the Secretary determines that the airport sponsor and residential property owners are able to make any modification to such an agreement on or after the date of enactment of this paragraph, the exemption provided by this paragraph shall no longer apply.

(t) RENEWAL OF CERTAIN LEASES.—

(1) IN GENERAL.—Notwithstanding subsection (a)(13), an airport owner or operator who renews a covered lease shall not be treated as violating a written assurance requirement under this section as a result of such renewal.

(2) COVERED LEASE DEFINED.—In this subsection, the term “covered lease” means a lease—

(A) originally entered into before [the date of enactment of this subsection] *October 7, 2016*;

(B) under which a nominal lease rate is provided;

(C) under which the lessee is a Federal or State government entity; and

[(D) that supports the operation of military aircraft by the Air Force or Air National Guard—

[(i) at the airport; or

[(ii) remotely from the airport.]

(D) *that—*

(i) supports the operation of military aircraft by the Air Force or Air National Guard—

(I) at the airport; or

(II) remotely from the airport; or

(ii) is for the use of nonaeronautical land or facilities of the airport by the National Guard.

(u) CONSTRUCTION OF RECREATIONAL AIRCRAFT.—

(1) IN GENERAL.—The construction of a covered aircraft shall be treated as an aeronautical activity for purposes of—

(A) determining an airport’s compliance with a grant assurance made under this section or any other provision of law; and

(B) the receipt of Federal financial assistance for airport development.

(2) COVERED AIRCRAFT DEFINED.—In this subsection, the term “covered aircraft” means an aircraft—

(A) used or intended to be used exclusively for recreational purposes; and

(B) constructed or under construction by a private individual at a general aviation airport.

[(v) COMMUNITY USE OF AIRPORT LAND.—

[(1) IN GENERAL.—Notwithstanding subsection (a)(13), and subject to paragraph (2), the sponsor of a public-use airport shall not be considered to be in violation of this subtitle, or to be found in violation of a grant assurance made under this section, or under any other provision of law, as a condition for the receipt of Federal financial assistance for airport development, solely because the sponsor has entered into an agreement, including a revised agreement, with a local government providing for the use of airport property for an interim compatible recreational purpose at below fair market value.

[(2) RESTRICTIONS.—This subsection shall apply only—

[(A) to an agreement regarding airport property that was initially entered into before the publication of the Federal Aviation Administration’s Policy and Procedures Concerning the Use of Airport Revenue, dated February 16, 1999;

[(B) if the agreement between the sponsor and the local government is subordinate to any existing or future agreements between the sponsor and the Secretary, including agreements related to a grant assurance under this section;

[(C) to airport property that was acquired under a Federal airport development grant program;

[(D) if the airport sponsor has provided a written statement to the Administrator that the property made available for a recreational purpose will not be needed for any aeronautical purpose during the next 10 years;

[(E) if the agreement includes a term of not more than 2 years to prepare the airport property for the interim compatible recreational purpose and not more than 10 years of use for that purpose;

[(F) if the recreational purpose will not impact the aeronautical use of the airport;

[(G) if the airport sponsor provides a certification that the sponsor is not responsible for preparation, start-up, operations, maintenance, or any other costs associated with the recreational purpose; and

[(H) if the recreational purpose is consistent with Federal land use compatibility criteria under section 47502.

[(3) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed as permitting a diversion of airport revenue for the capital or operating costs associated with the community use of airport land.]

(v) COMMUNITY USE OF AIRPORT LAND.—

(1) IN GENERAL.—Notwithstanding subsections (a)(13), (b), and (c), and subject to paragraph (2), the sponsor of a public-

use airport shall not be considered to be in violation of this subtitle, or to be found in violation of a grant assurance made under this section, or under any other provision of law, as a condition for the receipt of Federal financial assistance for airport development, solely because the sponsor has—

(A) entered into an agreement, including a revised agreement, with a local government providing for the use of airport property for an interim compatible recreational purpose at below fair market value; or

(B) permanently restricted the use of airport property to compatible recreational and public park use without paying or otherwise obtaining payment of fair market value for the property.

(2) RESTRICTIONS.—

(A) INTERIM COMPATIBLE RECREATIONAL PURPOSE.—*Paragraph (1) shall apply, with respect to a sponsor that has taken the action described in subparagraph (A) of such paragraph, only—*

(i) to an agreement regarding airport property that was initially entered into before the publication of the Federal Aviation Administration's Policy and Procedures Concerning the Use of Airport Revenue, dated February 16, 1999;

(ii) if the agreement between the sponsor and the local government is subordinate to any existing or future agreements between the sponsor and the Secretary, including agreements related to a grant assurance under this section;

(iii) to airport property that was acquired under a Federal airport development grant program;

(iv) if the airport sponsor has provided a written statement to the Administrator that the property made available for a recreational purpose will not be needed for any aeronautical purpose during the next 10 years;

(v) if the agreement includes a term of not more than 2 years to prepare the airport property for the interim compatible recreational purpose and not more than 10 years of use for that purpose;

(vi) if the recreational purpose will not impact the aeronautical use of the airport;

(vii) if the airport sponsor provides a certification that the sponsor is not responsible for preparation, startup, operations, maintenance, or any other costs associated with the recreational purpose; and

(viii) if the recreational purpose is consistent with Federal land use compatibility criteria under section 47502.

(B) PERMANENT RECREATIONAL USE.—*Paragraph (1) shall apply, with respect to a sponsor that has taken the action described in subparagraph (B) of such paragraph, only—*

(i) to airport property that was purchased using funds from a Federal grant for acquiring land issued prior to December 30, 1987;

(ii) to airport property that has been continuously used as a recreational and public park since January 1, 1995;

(iii) if the airport sponsor has provided a written statement to the Administrator that the property to be permanently restricted for recreational and public park use is not needed for any aeronautical use at the time the written statement is provided and is not expected to be needed for any aeronautical use at any time after such statement is provided;

(iv) if the recreational and public park use does not impact the aeronautical use of the airport;

(v) if the airport sponsor provides a certification that the sponsor is not responsible for operations, maintenance, or any other costs associated with the recreational and public park use;

(vi) if the recreational purpose is consistent with Federal land use compatibility criteria under section 47502;

(vii) if, in the event the airport sponsor leases the property, the lease will be to a local government entity or nonprofit entity to operate and maintain the property at no cost the airport sponsor; and

(viii) if, in the event the airport sponsor sells the property, the sale will be to a local government entity and subject to a permanent deed restriction ensuring compatible airport use under regulations issued pursuant to section 47502.

(3) **REVENUE FROM CERTAIN SALES OF AIRPORT PROPERTY.**—Notwithstanding any other provision of law, an airport sponsor selling a portion of airport property as described in paragraph (2)(B)(viii)(II) may—

(A) sell such portion of airport property for less than fair market value; and

(B) subject to the requirements of subsection (b), retain the revenue from the sale of such portion of airport property.

(4) **STATUTORY CONSTRUCTION.**—Nothing in this subsection may be construed as permitting a diversion of airport revenue for the capital or operating costs associated with the community use of airport land.

(w) **MOTHERS' ROOMS.**—

(1) **IN GENERAL.**—The Secretary of Transportation may approve an application under this subchapter for an airport development project grant only if the Secretary receives written assurances that the airport owner or operator will maintain—

(A) a lactation area in the sterile area of each passenger terminal building of the airport; and

(B) a baby changing table in at least one men's and at least one women's restroom in each passenger terminal building of the airport.

(2) **APPLICABILITY.**—

(A) **AIRPORT SIZE.**—

(i) IN GENERAL.—The requirements in paragraph (1) shall only apply to applications submitted by the airport sponsor of—

(I) a medium or large hub airport in fiscal year 2021 and each fiscal year thereafter; and

(II) an applicable small hub airport in fiscal year 2023 and each fiscal year thereafter.

(ii) APPLICABLE SMALL HUB AIRPORT DEFINED.—In clause (i)(II), the term “applicable small hub airport” means an airport designated as a small hub airport during—

(I) the 3-year period consisting of 2020, 2021, and 2022; or

(II) any consecutive 3-year period beginning after 2020.

(B) PREEXISTING FACILITIES.—On application by an airport sponsor, the Secretary may determine that a lactation area in existence on October 5, 2018, complies with the requirement in paragraph (1)(A), notwithstanding the absence of one of the facilities or characteristics referred to in the definition of the term “lactation area” in this subsection.

(C) SPECIAL RULE.—The requirement in paragraph (1)(A) shall not apply with respect to a project grant application for a period of time, determined by the Secretary, if the Secretary determines that construction or maintenance activities make it impracticable or unsafe for the lactation area to be located in the sterile area of the building.

(3) DEFINITION.—In this section, the term—

(A) “lactation area” means a room or similar accommodation that—

(i) provides a location for members of the public to express breast milk that is shielded from view and free from intrusion from the public;

(ii) has a door that can be locked;

(iii) includes a place to sit, a table or other flat surface, a sink or sanitizing equipment, and an electrical outlet;

(iv) is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs; and

(v) is not located in a restroom; and

(B) “sterile area” has the same meaning given that term in section 1540.5 of title 49, Code of Federal Regulations.

§ 47108. Project grant agreements

(a) OFFER AND ACCEPTANCE.—On approving a project grant application under this subchapter, the Secretary of Transportation shall offer the sponsor a grant to pay the United States Government’s share of the project costs allowable under section 47110 of this title. The Secretary may impose terms on the offer that the Secretary considers necessary to carry out this subchapter and regulations prescribed under this subchapter. An offer shall state the obligations to be assumed by the sponsor and the maximum amount the Government will pay for the project from the amounts

authorized under chapter 481 of this title (except sections 48102(e), 48106, 48107, and 48110). At the request of the sponsor, an offer of a grant for a project that will not be completed in one fiscal year shall provide for the obligation of amounts apportioned or to be apportioned to a sponsor under section 47114(c) or **[47114(d)(3)(A) of this title]** 47114(d)(2)(A) for the fiscal years necessary to pay the Government's share of the cost of the project. An offer that is accepted in writing by the sponsor is an agreement binding on the Government and the sponsor. The Government may pay or be obligated to pay a project cost only after a grant agreement for the project is signed.

[(b) INCREASING GOVERNMENT'S SHARE UNDER THIS SUBCHAPTER OR CHAPTER 475.—(1) When an offer has been accepted in writing, the amount stated in the offer as the maximum amount the Government will pay may be increased only as provided in paragraphs (2) and (3) of this subsection.

[(2)(A) For a project receiving assistance under a grant approved under the Airport and Airway Improvement Act of 1982 before October 1, 1987, the amount may be increased by not more than—

[(i) 10 percent for an airport development project, except a project for acquiring an interest in land; and

[(ii) 50 percent of the total increase in allowable project costs attributable to acquiring an interest in land, based on current creditable appraisals.

[(B) An increase under subparagraph (A) of this paragraph may be paid only from amounts the Government recovers from other grants made under this subchapter.

[(3) For a project receiving assistance under a grant approved under the Act, this subchapter, or chapter 475 of this title after September 30, 1987, the amount may be increased—

[(A) for an airport development project, by not more than 15 percent; and

[(B) for a grant after September 30, 1992, to acquire an interest in land for an airport (except a primary airport), by not more than the greater of the following, based on current creditable appraisals or a court award in a condemnation proceeding:

[(i) 15 percent; or

[(ii) 25 percent of the total increase in allowable project costs attributable to acquiring an interest in land.

[(c) INCREASING GOVERNMENT'S SHARE UNDER AIRPORT AND AIRWAY DEVELOPMENT ACT OF 1970.—For a project receiving assistance under a grant made under the Airport and Airway Development Act of 1970, the maximum amount the Government will pay may be increased by not more than 10 percent. An increase under this subsection may be paid only from amounts the Government recovers from other grants made under the Act.]

(b) INCREASING GOVERNMENT SHARE.—

(1) IN GENERAL.—*Except as provided in paragraph (2) or (3), the amount stated in an offer as the maximum amount the Government will pay may not be increased when the offer has been accepted in writing.*

(2) EXCEPTION.—*For a project receiving assistance under a grant approved under this chapter or chapter 475, the amount may be increased—*

(A) for an airport development project, by not more than 15 percent; and

(B) to acquire an interest in land for an airport (except a primary airport), by not more than the greater of the following, based on current creditable appraisals or a court award in a condemnation proceeding:

(i) 15 percent; or

(ii) 25 percent of the total increase in allowable project costs attributable to acquiring an interest in land.

(3) PRICE ADJUSTMENT PROVISIONS.—

(A) IN GENERAL.—The Secretary may incorporate a provision in a project grant agreement under which the Secretary agrees to pay more than the maximum amount otherwise specified in the agreement if the Secretary finds that commodity or labor prices have increased since the agreement was made.

(B) DECREASE IN COSTS.—A provision incorporated in a project grant agreement under this paragraph shall ensure that the Secretary realizes any financial benefit associated with a decrease in material or labor costs for the project.

[(d)] (c) CHANGING WORKSCOPE.—With the consent of the sponsor, the Secretary may amend a grant agreement made under this subchapter to change the workscope of a project financed under the grant if the amendment does not result in an increase in the maximum amount the Government may pay under subsection (b) of this section.

[(e)] (d) CHANGE IN AIRPORT STATUS.—

(1) CHANGES TO NONPRIMARY AIRPORT STATUS.—If the status of a primary airport changes to a nonprimary airport at a time when a development project under a multiyear agreement under subsection (a) is not yet completed, the project shall remain eligible for funding from discretionary funds under section 47115 at the funding level and under the terms provided by the agreement, subject to the availability of funds.

(2) CHANGES TO NONCOMMERCIAL SERVICE AIRPORT STATUS.—If the status of a commercial service airport changes to a noncommercial service airport at a time when a terminal development project under a phased-funding arrangement is not yet completed, the project shall remain eligible for funding from discretionary funds under section 47115 at the funding level and under the terms provided by the arrangement subject to the availability of funds.

(3) CHANGES TO NONHUB PRIMARY STATUS.—If the status of a nonhub primary airport changes to a small hub primary airport at a time when the airport has received discretionary funds under this chapter for a terminal development project in accordance with section 47119(a), and the project is not yet completed, the project shall remain eligible for funding from the discretionary fund and the small airport fund to pay costs allowable under section 47119(a). Such project shall remain eligible for such funds for three fiscal years after the start of construction of the project, or if the Secretary determines that a further extension of eligibility is justified, until the project is completed.

§ 47109. United States Government's share of project costs

(a) GENERAL.—Except as otherwise provided in this section, the United States Government's share of allowable project costs is—

- (1) 75 percent for a project at a medium or large hub airport;
- (2) not more than ~~90 percent~~ 91 percent for a project funded by a grant issued to and administered by a State under section 47128, relating to the State block grant program;
- (3) 90 percent for a project at any other airport;
- (4) 70 percent for a project funded by the Administrator from the discretionary fund under section 47115 at an airport receiving an exemption under section 47134; and
- (5) 95 percent for a project that—
 - (A) the Administrator determines is a successive phase of a multiphase construction project for which the sponsor received a grant in fiscal year 2011; and
 - (B) for which the United States Government's share of allowable project costs would otherwise be capped at 90 percent under paragraph (2) or (3).

(b) INCREASED GOVERNMENT SHARE.—If, under subsection (a) of this section, the Government's share of allowable costs of a project in a State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) of more than 5 percent of the total area of all lands in the State, is less than the share applied on June 30, 1975, under section 17(b) of the Airport and Airway Development Act of 1970, the Government's share under subsection (a) of this section shall be increased by the lesser of—

- (1) 25 percent;
- (2) one-half of the percentage that the area of unappropriated and unreserved public lands and nontaxable Indian lands in the State is of the total area of the State; or
- (3) the percentage necessary to increase the Government's share to the percentage that applied on June 30, 1975, under section 17(b) of the Act.

(c) GRANDFATHER RULE.—

(1) IN GENERAL.—In the case of any project approved after September 30, 2003, at a small hub airport or nonhub airport that is located in a State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) of more than 5 percent of the total area of all lands in the State, the Government's share of allowable costs of the project shall be increased by the same ratio as the basic share of allowable costs of a project divided into the increased (Public Lands States) share of allowable costs of a project as shown on documents of the Federal Aviation Administration dated August 3, 1979, at airports for which the general share was 80 percent on August 3, 1979. This subsection shall apply only if—

- (A) the State contained unappropriated and unreserved public lands and nontaxable Indian lands of more than 5 percent of the total area of all lands in the State on August 3, 1979; and
- (B) the application under subsection (b), does not increase the Government's share of allowable costs of the project.

(2) The Government's share of allowable project costs determined under this subsection shall not exceed the lesser of 93.75 percent or the highest percentage Government share applicable to any project in any State under subsection (b), except that at a primary non-hub and non-primary commercial service airport located in a State as set forth in paragraph (1) of this subsection that is within 15 miles of another State as set forth in paragraph (1) of this subsection, the Government's share shall be an average of the Government share applicable to any project in each of the States.

(d) SPECIAL RULE FOR PRIVATELY OWNED RELIEVER AIRPORTS.—If a privately owned reliever airport contributes any lands, easements, or rights-of-way to carry out a project under this subchapter, the current fair market value of such lands, easements, or rights-of-way shall be credited toward the non-Federal share of allowable project costs.

(e) SPECIAL RULE FOR TRANSITION FROM SMALL HUB TO MEDIUM HUB STATUS.—If the status of a small hub airport changes to a medium hub airport, the Government's share of allowable project costs for the airport may not exceed 90 percent for the first 2 fiscal years after such change in hub status.

(f) SPECIAL RULE FOR ECONOMICALLY DISTRESSED COMMUNITIES.—The Government's share of allowable project costs shall be 95 percent for a project at an airport that—

(1) is receiving essential air service for which compensation was provided to an air carrier under subchapter II of chapter 417; and

(2) is located in an area that meets one or more of the criteria established in section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)), as determined by the Secretary of Commerce.

(g) SPECIAL RULE FOR COVERED EQUIPMENT.—

(1) IN GENERAL.—The Government's share of allowable project costs for covered equipment and its installation shall be 100 percent.

(2) DEFINITION OF COVERED EQUIPMENT.—For purposes of this subsection, the term "covered equipment" means aqueous film forming foam input-based testing equipment that is eligible for Airport Improvement Program funding based on Federal Aviation Administration PGL 21-01, titled "Extension of Eligibility for stand-alone acquisition of input-based testing equipment and truck modification", dated October 5, 2021 (or any other successor program guidance letter).

(3) SUNSET.—The higher cost share authority established in this subsection shall terminate on the earlier of—

(A) 180 days after the date on which the eligibility of covered equipment for Airport Improvement Program funding under the authority described in paragraph (2) terminates or is discontinued by the Administrator; or

(B) 5 years after the date of enactment of this subsection.

§ 47110. Allowable project costs

(a) GENERAL AUTHORITY.—Except as provided in section 47111 of this title, the United States Government may pay or be obligated

to pay, from amounts appropriated to carry out this subchapter, a cost incurred in carrying out a project under this subchapter only if the Secretary of Transportation decides the cost is allowable.

(b) ALLOWABLE COST STANDARDS.—A project cost is allowable—

(1)(A) if the cost necessarily is incurred in carrying out the project in compliance with the grant agreement made for the project under this subchapter, including any cost a sponsor incurs related to an audit the Secretary requires under section 47121(b) or (d) of this title and any cost of moving a Federal facility impeding the project if the rebuilt facility is of an equivalent size and type; or

(B) if the cost is an incentive payment incurred in carrying out the project described in subparagraph (A) that is to be provided to a contractor upon early completion of a project, if—

(i) such payment does not exceed the lesser of 5 percent of the initial construction contract amount or \$1,000,000;

(ii) the level of contractor's control of, or access to, the worksite necessary to shorten the duration of the project does not negatively impact the operation of the airport;

(iii) the contract specifies application of the incentive structure in the event of unforeseeable, non-weather delays beyond the control of the contractor;

(iv) nothing in any agreement with the contractor prevents the airport operator from retaining responsibility for the safety, efficiency, and capacity of the airport during the execution of the grant agreement; and

(v) the Secretary determines that the use of an incentive payment is likely to increase airport capacity or efficiency or result in cost savings as a result of shortening the project's duration;

(2)(A) if the cost is incurred after the grant agreement is executed and is for airport development or airport planning carried out after the grant agreement is executed;

(B) if the cost is incurred after June 1, 1989, by the airport operator (regardless of when the grant agreement is executed) as part of a Government-approved noise compatibility program (including project formulation costs) and is consistent with all applicable statutory and administrative requirements;

(C) if the Government's share is paid only with amounts apportioned under paragraphs (1) and (2) of section 47114(c) or section 47114(d)(3)(A) and if the cost is incurred—

(i) after September 30, 1996;

(ii) before a grant agreement is executed for the project; and

(iii) in accordance with an airport layout plan approved by the Secretary and with all statutory and administrative requirements that would have been applicable to the project if the project had been carried out after the grant agreement had been executed; or

(D) if the cost is for airport development and is incurred before execution of the grant agreement, but in the same fiscal year as execution of the grant agreement, and if—

(i) the cost was incurred before execution of the grant agreement because the airport has a shortened construc-

tion season due to climatic conditions in the vicinity of the airport;

(ii) the cost is in accordance with an airport layout plan approved by the Secretary and with all statutory and administrative requirements that would have been applicable to the project if the project had been carried out after execution of the grant agreement, including submission of a complete grant application to the appropriate regional or district office of the Federal Aviation Administration;

(iii) the sponsor notifies the Secretary before authorizing work to commence on the project;

(iv) the sponsor has an alternative funding source available to fund the project; and

(v) the sponsor's decision to proceed with the project in advance of execution of the grant agreement does not affect the priority assigned to the project by the Secretary for the allocation of discretionary funds;

(3) to the extent the cost is reasonable in amount;

(4) if the cost is not incurred in a project for airport development or airport planning for which other Government assistance has been granted;

(5) if the total costs allowed for the project are not more than the amount stated in the grant agreement as the maximum the Government will pay (except as provided in section 47108(b) of this title);

(6) if the cost is for a project not described in section 47102(3) for acquiring for use at a commercial service airport vehicles and ground support equipment owned by an airport that include low-emission technology, but only to the extent of the incremental cost of equipping such vehicles or equipment with low-emission technology, as determined by the Secretary; and

(7) if the cost is incurred on a measure to improve the efficiency of an airport building (such as a measure designed to meet one or more of the criteria for being considered a high-performance green building as set forth under section 401(13) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061(13))) and—

(A) the measure is for a project for airport development;

(B) the measure is for an airport building that is otherwise eligible for construction assistance under this subchapter; and

(C) if the measure results in an increase in initial project costs, the increase is justified by expected savings over the life cycle of the project.

(c) CERTAIN PRIOR COSTS AS ALLOWABLE COSTS.—The Secretary may decide that a project cost under subsection (b)(2)(A) of this section incurred [after May 13, 1946, and] before the date the grant agreement is executed is allowable if it is—

(1) necessarily incurred in formulating or preparing for an airport development project, including costs incurred for field surveys, plans and specifications, property interests in land or airspace, utility relocation, work site preparation, and administration or other incidental items that would not have been incurred except for the project; or

(2) necessarily and directly incurred in developing the work scope of an airport planning project.

(d) RELOCATION OF AIRPORT-OWNED FACILITIES.—The Secretary may determine that the costs of relocating or replacing an airport-owned facility are allowable for an airport development project at an airport only if—

(1) the Government's share of such costs will be paid with funds apportioned to the airport sponsor under [section 47114(c)(1) or 47114(d)] *section 47114 or distributed from the small airport fund under section 47116*;

(2) the Secretary determines that the relocation or replacement is required due to a change in the Secretary's design standards; and

(3) the Secretary determines that the change is beyond the control of the airport sponsor.

(e) LETTERS OF INTENT.—(1) The Secretary may issue a letter of intent to the sponsor stating an intention to obligate from future budget authority an amount, not more than the Government's share of allowable project costs, for an airport development project (including costs of formulating the project) at a primary or reliever airport. The letter shall establish a schedule under which the Secretary will reimburse the sponsor for the Government's share of allowable project costs, as amounts become available, if the sponsor, after the Secretary issues the letter, carries out the project without receiving amounts under this subchapter.

(2) Paragraph (1) of this subsection applies to a project—

(A) about which the sponsor notifies the Secretary, before the project begins, of the sponsor's intent to carry out the project;

(B) that will comply with all statutory and administrative requirements that would apply to the project if it were carried out with amounts made available under this subchapter; and

(C) that meets the criteria of section 47115(d) and, if for a project at a [commercial service airport having at least 0.25 percent of the boardings each year at all such airports] *medium hub airport or large hub airport*, the Secretary decides will enhance system-wide airport capacity significantly.

(3) A letter of intent issued under paragraph (1) of this subsection is not an obligation of the Government under section 1501 of title 31, and the letter is not deemed to be an administrative commitment for financing. An obligation or administrative commitment may be made only as amounts are provided in authorization and appropriation laws.

(4) The total estimated amount of future Government obligations covered by all outstanding letters of intent under paragraph (1) of this subsection may not be more than the amount authorized to carry out section 48103 of this title, less an amount reasonably estimated by the Secretary to be needed for grants under section 48103 that are not covered by a letter.

(5) LETTERS OF INTENT.—The Secretary may not require an eligible agency to impose a passenger facility charge under section 40117 in order to obtain a letter of intent under this section.

(6) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to prohibit the obligation of amounts pursuant to a letter of intent under this subsection in the same fiscal year as the letter of intent is issued.

(7) PARTNERSHIP PROGRAM AIRPORTS.—The Secretary may issue a letter of intent **【under this section】** *under this subsection* to an airport sponsor with an approved application under section 47134(b) if—

(A) the application was approved in fiscal year 2019; and

(B) the project meets all other requirements set forth in this chapter.

(f) NONALLOWABLE COSTS.—Except as provided in subsection (d) of this section and section 47118(f) of this title, a cost is not an allowable airport development project cost if it is for—

(1) constructing a public parking facility for passenger automobiles;

(2) constructing, altering, or repairing part of an airport building, except to the extent the building will be used for facilities or activities directly related to the safety of individuals at the airport;

(3) decorative landscaping; or

(4) providing or installing sculpture or art works.

(g) USE OF DISCRETIONARY FUNDS.—A project for which cost reimbursement is provided under subsection (b)(2)(C) shall not receive priority consideration with respect to the use of discretionary funds made available under section 47115 of this title even if the amounts made available under paragraphs (1) and (2) of section 47114(c) or section 47114(d)(3)(A) are not sufficient to cover the Government's share of the cost of the project.

(h) NONPRIMARY AIRPORTS.—The Secretary may decide that the construction costs of revenue producing aeronautical support facilities are allowable for an airport development project at a nonprimary airport if the Government's share of such costs is paid only with funds apportioned to the airport sponsor under **【section 47114(d)(3)(A)】** *section 47114(c)(1)(D) or section 47114(d)(2)(A)* and if the Secretary determines that the sponsor has made adequate provision for financing airside needs of the airport.

【(i) BIRD-DETECTING RADAR SYSTEMS.—The Administrator of the Federal Aviation Administration, upon the conclusion of all planned research by the Administration regarding avian radar systems, shall—

【(1) update Advisory Circular No. 150/5220–25 to specify which systems have been studied; and

【(2) within 180 days after such research is concluded, issue a final report on the use of avian radar systems in the national airspace system.】

(i) *SMALL AIRPORT LETTERS OF INTENT.—*

(1) IN GENERAL.—The Secretary may issue a letter of intent to a sponsor stating an intention to obligate an amount from future budget authority for an airport development project (including costs of formulating the project) at a nonhub airport or an airport that is not a primary airport. The letter shall establish a schedule under which the Secretary will reimburse the sponsor for the Government's share of allowable project costs, as amounts become available, if the sponsor, after the Secretary issues the letter, carries out the project without receiving amounts under this subchapter.

(2) *LIMITATIONS.*—The amount the Secretary intends to obligate in a letter of intent issued under this subsection shall not exceed the larger of—

- (A) the Government's share of allowable project costs; or
- (B) \$10,000,000.

(3) *FINANCING.*—Allowable project costs under paragraph (1) may include costs associated with making payments for debt service on indebtedness incurred to carry out the project.

(4) *REQUIREMENTS.*—The Secretary shall only issue a letter of intent under paragraph (1) if—

(A) the sponsor notifies the Secretary, before the project begins, of the sponsor's intent to carry out the project and requests a letter of intent; and

(B) the sponsor agrees to comply with all statutory and administrative requirements that would apply to the project if it were carried out with amounts made available under this subchapter.

(5) *ASSESSMENT.*—In reviewing a request for a letter of intent under this subsection, the Secretary shall consider the grant history of an airport, the airport's enplanements or operations, and such other factors as the Secretary determines appropriate.

(6) *PRIORITIZATION.*—In issuing letters of intent under this subsection, the Secretary shall—

(A) prioritize projects that—

(i) cannot reasonably be funded by an airport sponsor using funds apportioned under section 47114(c), 47114(d)(2)(A)(i), or 47114(d)(6), including funds apportioned under those sections in multiple fiscal years pursuant to section 47117(b)(1); and

(ii) are necessary to an airport's continued safe operation or development; and

(B) structure the reimbursement schedules under such letters in a manner that minimizes unnecessary or undesirable project segmentation.

(7) *REQUIRED USE.*—

(A) *IN GENERAL.*—Beginning in fiscal year 2028, and in each fiscal year thereafter, the Secretary shall ensure that not less than \$100,000,000 is committed to be reimbursed in such fiscal year pursuant to letters of intent issued under this subsection.

(B) *WAIVER.*—The Secretary may waive the requirement under subparagraph (A) for a fiscal year if the Secretary determines there are insufficient letter of intent requests that meet the requirements of paragraph (4). Upon such waiver, the Secretary shall provide a briefing to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the reasons contributing to the need for such waiver and the actions the Secretary intends to take to ensure that there are sufficient letter of intent requests that meet the requirements of paragraph (4) in the fiscal year succeeding the fiscal year for which the Secretary issued such waiver.

(C) *RESTRICTION.*—The total estimated amount of future Government obligations covered by all outstanding letters

of intent under paragraph (1) may not be more than the amount authorized to carry out section 48103 of this title, less an amount reasonably estimated by the Secretary to be needed for grants under section 48103 that are not covered by a letter.

(8) **NO OBLIGATION OR COMMITMENT.**—A letter of intent issued under this subsection is not an obligation of the Government under section 1501 of title 31, and the letter is not deemed to be an administrative commitment for financing. An obligation or administrative commitment may be made only as amounts are provided in authorization and appropriation laws.

(9) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section shall be construed to prohibit the obligation of amounts pursuant to a letter of intent under this subsection in the same fiscal year as the letter of intent is issued.

(j) **ADDITIONAL NONALLOWABLE COSTS.**—

(1) **IN GENERAL.**—A cost is not an allowable airport development project cost under this chapter if the cost relates to a contract for procurement or installation of a passenger boarding bridge if the contract is with an entity on the list required under paragraph (2).

(2) **REQUIRED LIST.**—Not later than 30 days after the date of enactment of this subsection, the Secretary shall, based on information provided by the United States Trade Representative and the Attorney General, publish and annually update a list of entities manufacturing airport passenger boarding bridges—

(A) that are owned, directed, or subsidized by the People's Republic of China; and

(B) that—

(i) have been determined by a Federal court to have misappropriated intellectual property or trade secrets from an entity organized under the laws of the United States or any jurisdiction within the United States; or

(ii) own or control, are owned or controlled by, are under common ownership or control with, or are successors to, an entity described in clause (i).

(k) **FUEL INFRASTRUCTURE.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary may decide that covered costs are allowable for an airport development project at a primary or nonprimary airport where such costs are paid for with funds apportioned to the sponsor of such airport under section 47114 or provided pursuant to section 47115.

(2) **PRIORITIZATION.**—If the Secretary makes grants from the discretionary fund under section 47115 for covered costs, the Secretary shall prioritize providing such grants to general aviation airports.

(3) **COVERED COSTS DEFINED.**—In this subsection, the term “covered costs”—

(A) means construction costs related to an airport-owned—

(i) aeronautical fueling system for unleaded fuel; and

(ii) fueling systems for type certificated hydrogen-powered aircraft; and

(B) may include capital costs for fuel farms and other equipment and infrastructure used for the delivery and storage of fuel.

§ 47111. Payments under project grant agreements

(a) GENERAL AUTHORITY.—After making a project grant agreement under this subchapter and consulting with the sponsor, the Secretary of Transportation may decide when and in what amounts payments under the agreement will be made. Payments totaling not more than 90 percent of the United States Government's share of the project's estimated allowable costs may be made before the project is completed if the sponsor certifies to the Secretary that the total amount expended from the advance payments at any time will not be more than the cost of the airport development work completed on the project at that time.

(b) RECOVERING PAYMENTS.—If the Secretary determines that the total amount of payments made under a grant agreement under this subchapter is more than the Government's share of the total allowable project costs, the Government may recover the excess amount. If the Secretary finds that a project for which an advance payment was made has not been completed within a reasonable time, the Government may recover any part of the advance payment for which the Government received no benefit.

(c) PAYMENT DEPOSITS.—A payment under a project grant agreement under this subchapter may be made only to an official or depository designated by the sponsor and authorized by law to receive public money.

(d) WITHHOLDING PAYMENTS.—(1) The Secretary may withhold a payment under a grant agreement under this subchapter for more than 180 days after the payment is due only if the Secretary—

(A) notifies the sponsor and provides an opportunity for a hearing; and

(B) finds that the sponsor has violated the agreement.

(2) The 180-day period may be extended by—

(A) agreement of the Secretary and the sponsor; or

(B) the hearing officer if the officer decides an extension is necessary because the sponsor did not follow the schedule the officer established.

(3) A person adversely affected by an order of the Secretary withholding a payment may apply for review of the order by filing a petition in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the project is located. The petition must be filed not later than 60 days after the order is served on the petitioner.

(e) ACTION ON GRANT ASSURANCES CONCERNING AIRPORT REVENUES.—If, after notice and opportunity for a hearing, the Secretary finds a violation of section 47107(b) of this title, as further defined by the Secretary under section 47107(k) of this title, or a violation of an assurance made under section 47107(b) of this title, and the Secretary has provided an opportunity for the airport sponsor to take corrective action to cure such violation, and such corrective action has not been taken within the period of time set by the Secretary, the Secretary shall withhold approval of any new grant application for funds under this chapter, or any proposed modification

to an existing grant that would increase the amount of funds made available under this chapter to the airport sponsor, and withhold approval of any new application to impose a [fee] *charge* under section 40117 of this title. Such applications may thereafter be approved only upon a finding by the Secretary that such corrective action as the Secretary requires has been taken to address the violation and that the violation no longer exists.

(f) JUDICIAL ENFORCEMENT.—For any violation of this chapter or any grant assurance made under this chapter, the Secretary may apply to the district court of the United States for any district in which the violation occurred for enforcement. Such court shall have jurisdiction to enforce obedience thereto by a writ of injunction or other process, mandatory or otherwise, restraining any person from further violation.

* * * * *

§ 47113. Minority and disadvantaged business participation

(a) DEFINITIONS.—In this section—

(1) “small business concern”—

(A) has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632); but

(B) in the case of a concern in the construction industry, a concern shall be considered a small business concern if the concern meets the size standard for the North American Industry Classification System Code 237310, as adjusted by the Small Business Administration;

(2) “socially and economically disadvantaged individual” has the same meaning given that term in section 8(d) of the Act (15 U.S.C. 637(d)) and relevant subcontracting regulations prescribed under section 8(d), except that women are presumed to be socially and economically disadvantaged; and

(3) the term “qualified HUBZone small business concern” has the meaning given that term in section 31(b) of the Small Business Act.

(b) GENERAL REQUIREMENT.—Except to the extent the Secretary decides otherwise, at least 10 percent of amounts available in a fiscal year under section 48103 of this title shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals or qualified HUBZone small business concerns.

(c) UNIFORM CRITERIA.—The Secretary shall establish minimum uniform criteria for State governments and airport sponsors to use in certifying whether a small business concern qualifies under this section. The criteria shall include on-site visits, personal interviews, licenses, analyses of stock ownership and bonding capacity, listings of equipment and work completed, resumes of principal owners, financial capacity, and type of work preferred.

(d) SURVEYS AND LISTS.—Each State or airport sponsor annually shall survey and compile a list of small business concerns referred to in subsection (b) of this section and the location of each concern in the State.

(e) MANDATORY TRAINING PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall establish a mandatory training program for persons described in para-

graph (3) to provide streamlined training on certifying whether a small business concern qualifies as a small business concern owned and controlled by socially and economically disadvantaged individuals under this section and section 47107(e).

(2) IMPLEMENTATION.—The training program may be implemented by one or more private entities approved by the Secretary.

(3) PARTICIPANTS.—A person referred to in paragraph (1) is an official or agent of an airport sponsor—

(A) who is required to provide a written assurance under this section or section 47107(e) that the airport owner or operator will meet the percentage goal of subsection (b) of this section or section 47107(e)(1), as the case may be; or

(B) who is responsible for determining whether or not a small business concern qualifies as a small business concern owned and controlled by socially and economically disadvantaged individuals under this section or section 47107(e).

(f) SUPPORTIVE SERVICES.—

(1) IN GENERAL.—*The Secretary of Transportation, in coordination with the Administrator of the Federal Aviation Administration, may, at the request of an airport sponsor, provide assistance under a grant issued under this subchapter to develop, conduct, and administer training programs and assistance programs in connection with any airport improvement project subject to part 26 of title 49, Code of Federal Regulations, for small business concerns referred to in subsection (b) to achieve proficiency to compete, on an equal basis for contracts and subcontracts related to such projects.*

(2) ELIGIBLE ENTITIES.—*An entity eligible to receive assistance under this section is—*

(A) a State;

(B) a political subdivision of a State or local government;

(C) a Tribal government;

(D) an airport sponsor;

(E) a metropolitan planning organization;

(F) a group of entities described in subparagraphs (A) through (E); or

(G) any other organization considered appropriate by the Secretary.

§ 47114. Apportionments

(a) DEFINITION.—In this section, “amount subject to apportionment” means the amount newly made available under section 48103 of this title for a fiscal year.

(b) APPORTIONMENT DATE.—On the first day of each fiscal year, the Secretary of Transportation shall apportion the amount subject to apportionment for that fiscal year as provided in this section.

(c) AMOUNTS APPORTIONED TO SPONSORS.—

[(1) PRIMARY AIRPORTS.—

[(A) APPORTIONMENT.—The Secretary shall apportion to the sponsor of each primary airport for each fiscal year an amount equal to—

[(i) \$7.80 for each of the first 50,000 passenger boardings at the airport during the prior calendar year;

[(ii) \$5.20 for each of the next 50,000 passenger boardings at the airport during the prior calendar year;

[(iii) \$2.60 for each of the next 400,000 passenger boardings at the airport during the prior calendar year;

[(iv) \$.65 for each of the next 500,000 passenger boardings at the airport during the prior calendar year; and

[(v) \$.50 for each additional passenger boarding at the airport during the prior calendar year.

[(B) MINIMUM AND MAXIMUM APPORTIONMENTS.—Not less than \$650,000 nor more than \$22,000,000 may be apportioned under subparagraph (A) of this paragraph to an airport sponsor for a primary airport for each fiscal year.

[(C) SPECIAL RULE.—In any fiscal year in which the total amount made available under section 48103 is \$3,200,000,000 or more—

[(i) the amount to be apportioned to a sponsor under subparagraph (A) shall be increased by doubling the amount that would otherwise be apportioned;

[(ii) the minimum apportionment to a sponsor under subparagraph (B) shall be \$1,000,000 rather than \$650,000; and

[(iii) the maximum apportionment to a sponsor under subparagraph (B) shall be \$26,000,000 rather than \$22,000,000.

[(D) NEW AIRPORTS.—Notwithstanding subparagraph (A), the Secretary shall apportion on the first day of the first fiscal year following the official opening of a new airport with scheduled passenger air transportation an amount equal to the minimum amount set forth in subparagraph (B) or (C), as appropriate, to the sponsor of such airport.

[(E) USE OF PREVIOUS FISCAL YEAR'S APPORTIONMENT.—Notwithstanding subparagraph (A), the Secretary may apportion to an airport sponsor in a fiscal year an amount equal to the amount apportioned to that sponsor in the previous fiscal year if the Secretary finds that—

[(i) passenger boardings at the airport fell below 10,000 in the calendar year used to calculate the apportionment;

[(ii) the airport had at least 10,000 passenger boardings in the calendar year prior to the calendar year used to calculate apportionments to airport sponsors in a fiscal year; and

[(iii) the cause of the shortfall in passenger boardings was a temporary but significant interruption in service by an air carrier to that airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.

[(F) SPECIAL RULE FOR FISCAL YEARS 2018 THROUGH 2020.—Notwithstanding subparagraph (A) and subject to subparagraph (G), the Secretary shall apportion to a sponsor of an airport under that subparagraph for each of fiscal years 2018 through 2020 an amount based on the number of passenger boardings at the airport during calendar year 2012 if the airport—

[(i) had 10,000 or more passenger boardings during calendar year 2012;

[(ii) had fewer than 10,000 passenger boardings during the calendar year used to calculate the apportionment for fiscal year 2018, 2019, or 2020, as applicable, under subparagraph (A); and

[(iii) had scheduled air service at any point in the calendar year used to calculate the apportionment.

[(G) LIMITATIONS AND WAIVERS.—The authority to make apportionments in the manner prescribed in subparagraph (F) may be utilized no more than 3 years in a row. The Secretary may waive this limitation if the Secretary determines that an airport's enplanements are substantially close to 10,000 enplanements and the airport sponsor or affected communities are taking reasonable steps to restore enplanements above 10,000.

[(H) MINIMUM APPORTIONMENT FOR COMMERCIAL SERVICE AIRPORTS WITH MORE THAN 8,000 PASSENGER BOARDINGS IN A CALENDAR YEAR.—Not less than \$600,000 may be apportioned under subparagraph (A) for each fiscal year to each sponsor of a commercial service airport that had fewer than 10,000 passenger boardings, but at least 8,000 passenger boardings, during the prior calendar year.

[(I) SEASONAL AIRPORTS.—Notwithstanding section 47102, if the Secretary determines that a commercial service airport with at least 8,000 passenger boardings receives scheduled air carrier service for fewer than 6 months in the calendar year used to calculate apportionments to airport sponsors in a fiscal year, then the Secretary shall consider the airport to be a nonhub primary airport for purposes of this chapter.

[(J) SPECIAL RULE FOR FISCAL YEARS 2022 AND 2023.—Notwithstanding subparagraph (A) and the absence of scheduled passenger aircraft service at an airport, the Secretary shall apportion in fiscal years 2022 and 2023 to the sponsor of the airport an amount based on the number of passenger boardings at the airport during whichever of the following years that would result in the highest apportioned amount:

[(i) Calendar year 2018.

[(ii) Calendar year 2019.

[(iii) The prior full calendar year prior to the current fiscal year.]

(1) PRIMARY AND COMMERCIAL SERVICE AIRPORTS.—

(A) PRIMARY AIRPORT APPORTIONMENT.—*The Secretary shall apportion to the sponsor of each primary airport for each fiscal year an amount equal to—*

(i) \$15.60 for each of the first 50,000 passenger boardings at the airport during the prior calendar year;

(ii) \$10.40 for each of the next 50,000 passenger boardings at the airport during the prior calendar year;

(iii) \$5.20 for each of the next 400,000 passenger boardings at the airport during the prior calendar year;

(iv) \$1.30 for each of the next 500,000 passenger boardings at the airport during the prior calendar year; and

(v) \$1.00 for each additional passenger boarding at the airport during the prior calendar year.

(B) *MINIMUM AND MAXIMUM APPORTIONMENTS.*—Not less than \$1,300,000 nor more than \$22,000,000 may be apportioned under subparagraph (A) to an airport sponsor for a primary airport for each fiscal year.

(C) *NEW AIRPORT.*—Notwithstanding subparagraph (A), the Secretary shall apportion in the first fiscal year following the official opening of a new airport with scheduled passenger air transportation an amount equal to \$1,300,000 to the sponsor of such airport.

(D) *NONPRIMARY COMMERCIAL SERVICE AIRPORT APPORTIONMENT.*—

(i) *IN GENERAL.*—The Secretary shall apportion to each commercial service airport that is not a primary airport an amount equal to—

(I) \$60 for each of the first 2,500 passenger boardings at the airport during the prior calendar year; and

(II) \$153.33 for each of the next 7,499 passenger boardings at the airport during the prior calendar year.

(ii) *APPLICABILITY.*—Paragraphs (4) and (5) of subsection (d) shall apply to funds apportioned under this subparagraph.

(E) *SPECIAL RULE FOR AIR RESERVE STATIONS.*—Notwithstanding section 47102, the Secretary shall consider a public-use airport that is co-located with an air reserve station to be a primary airport for purposes of this chapter.

(F) *SPECIAL RULE FOR FISCAL YEARS 2024 AND 2025.*—Notwithstanding any other provision of this paragraph or the absence of scheduled passenger service at an airport, the Secretary shall apportion in fiscal years 2024 and 2025 to the sponsor of an airport an amount based on the number of passenger boardings at the airport during whichever of the following years that would result in the highest apportioned amount under this paragraph:

(i) Calendar year 2018.

(ii) Calendar year 2019.

(iii) The prior full calendar year prior to the current fiscal year.

(2) *CARGO AIRPORTS.*—

(A) APPORTIONMENT.—Subject to subparagraph (D), the Secretary shall apportion an amount equal to ~~【3.5】~~ 4 percent of the amount subject to apportionment each fiscal year to the sponsors of airports served by aircraft providing air transportation of only cargo with a total annual landed weight of more than ~~【100,000,000 pounds】~~ 25,000,000 pounds.

(B) SUBALLOCATION FORMULA.—Any funds apportioned under subparagraph (A) to sponsors of airports described in subparagraph (A) shall be allocated among those airports in the proportion that the total annual landed weight of aircraft described in subparagraph (A) landing at each of those airports bears to the total annual landed weight of those aircraft landing at all those airports.

~~【(C) LIMITATION.—In any fiscal year in which the total amount made available under section 48103 is less than \$3,200,000,000, not more than 8 percent of the amount apportioned under subparagraph (A) may be apportioned for any one airport.】~~

~~【(D)】~~ (C) DISTRIBUTION TO OTHER AIRPORTS.—Before apportioning amounts to the sponsors of airports under subparagraph (A) for a fiscal year, the Secretary may set-aside a portion of such amounts for distribution to the sponsors of other airports, selected by the Secretary, that the Secretary finds will be served primarily by aircraft providing air transportation of only cargo.

~~【(E)】~~ (D) DETERMINATION OF LANDED WEIGHT.—Landed weight under this paragraph is the landed weight of aircraft landing at each airport described in subparagraph (A) during the prior calendar year.

(d) AMOUNTS APPORTIONED FOR GENERAL AVIATION AIRPORTS.—

(1) DEFINITIONS.—In this subsection, the following definitions apply:

(A) AREA.—The term “area” includes land and water.

(B) POPULATION.—The term “population” means the population stated in the latest decennial census of the United States.

~~【(2) APPORTIONMENT.—Except as provided in paragraph (3), the Secretary shall apportion to the States 18.5 percent of the amount subject to apportionment for each fiscal year as follows:~~

~~【(A) 0.66 percent of the apportioned amount to Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands.~~

~~【(B) Except as provided in paragraph (4), 49.67 percent of the apportioned amount for airports, excluding primary airports but including reliever and nonprimary commercial service airports, in States not named in subparagraph (A) in the proportion that the population of each of those States bears to the total population of all of those States.~~

~~【(C) Except as provided in paragraph (4), 49.67 percent of the apportioned amount for airports, excluding primary airports but including reliever and nonprimary commercial service airports, in States not named in subparagraph (A) in the proportion that the area of each of those States bears to the total area of all of those States.】~~

[(3) SPECIAL RULE.—] (2) APPORTIONMENT.—In any fiscal year in which the total amount made available under section 48103 is \$3,200,000,000 or more, rather than making an apportionment under paragraph (2), the Secretary shall apportion [20 percent] 25 percent of the amount subject to apportionment for each fiscal year as follows:

(A) To each airport, [excluding primary airports but including reliever and nonprimary commercial service airports] *excluding commercial service airports but including reliever airports*, in States the lesser of—

(i) \$150,000; or

(ii) 1/5 of the most recently published estimate of the 5-year costs for airport improvement for the airport, as listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103.

(B) Any remaining amount to States as follows:

(i) 0.62 percent of the remaining amount to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands.

(ii) Except as provided in paragraph (4), 49.69 percent of the remaining amount for airports, [excluding primary airports but including reliever and nonprimary commercial service airports] *excluding commercial service airports but including reliever airports*, in States not named in clause (i) in the proportion that the population of each of those States bears to the total population of all of those States.

(iii) Except as provided in paragraph (4), 49.69 percent of the remaining amount for airports, [excluding primary airports but including reliever and nonprimary commercial service airports] *excluding commercial service airports but including reliever airports*, in States not named in clause (i) in the proportion that the area of each of those States bears to the total area of all of those States.

[(C) During fiscal years 2019 and 2020—

[(i) an airport that accrued apportionment funds under subparagraph (A) in fiscal year 2013 that is listed as having an unclassified status under the most recent national plan of integrated airport systems shall continue to accrue apportionment funds under subparagraph (A) at the same amount the airport accrued apportionment funds in fiscal year 2013, subject to the conditions of this paragraph;

[(ii) notwithstanding the period of availability as described in section 47117(b), an amount apportioned to an airport under clause (i) shall be available to the airport only during the fiscal year in which the amount is apportioned; and

[(iii) notwithstanding the waiver permitted under section 47117(c)(2), an airport receiving apportionment funds under clause (i) may not waive its claim to any part of the apportioned funds in order to make the

funds available for a grant for another public-use airport.

[(D) An airport that re-establishes its classified status shall be eligible to accrue apportionment funds pursuant to subparagraph (A) so long as such airport retains its classified status.]

(C) *An airport that has previously been listed as unclassified under the national plan of integrated airport systems that has reestablished the classified status of such airport as of the date of apportionment shall be eligible to accrue apportionment funds pursuant to subparagraph (A) so long as such airport retains such classified status.*

[(4) AIRPORTS IN ALASKA, PUERTO RICO, AND HAWAII.—An amount apportioned under paragraph (2) or (3)] .—

(A) *ALASKA, PUERTO RICO, AND HAWAII.—An amount apportioned under this subsection to Alaska, Puerto Rico, or Hawaii for airports in such State may be made available by the Secretary for any public airport in those respective jurisdictions.*

(B) *OTHER TERRITORIES.—An amount apportioned under paragraph (2)(B)(i) may be made available by the Secretary for any public-use airport in Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands if the Secretary determines that there are insufficient qualified grant applications for projects at airports that are otherwise eligible for funding under that paragraph. The Secretary shall prioritize the use of such amounts in the territory the amount was originally apportioned in.*

[(5)] (4) USE OF STATE HIGHWAY SPECIFICATIONS.—The Secretary shall use the highway specifications of a State for airfield pavement construction and improvement using funds made available under this subsection or subsection (c)(1)(D) at nonprimary airports serving aircraft that do not exceed 60,000 pounds gross weight if—

(A) such State requests the use of such specifications; and

(B) the Secretary determines that—

(i) safety will not be negatively affected; and

(ii) the life of the pavement, with necessary maintenance and upkeep, will not be shorter than it would be if constructed using Administration standards.

[(6)] (5) INTEGRATED AIRPORT SYSTEM PLANNING.—Notwithstanding any other [provision of this subsection] *provision of this section*, funds made available under this subsection or subsection (c)(1)(D) may be used for integrated airport system planning that encompasses one or more primary airports.

[(7)] (6) ELIGIBILITY TO RECEIVE PRIMARY AIRPORT MINIMUM APPORTIONMENT AMOUNT.—Notwithstanding any other provision of this subsection, the Secretary may apportion to an airport sponsor in a fiscal year an amount equal to the minimum apportionment available under subsection (c)(1)(B) if the Secretary finds that the airport—

(A) received scheduled or unscheduled air service from a large certificated air carrier (as defined in part 241 of title

14, Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) in the calendar year used to calculate the apportionment; and

(B) had more than 10,000 passenger boardings in the calendar year used to calculate the apportionment.

(e) SUPPLEMENTAL APPORTIONMENT FOR ALASKA.—

(1) IN GENERAL.—Notwithstanding subsections (c) and (d) of this section, the Secretary may apportion amounts for airports in Alaska in the way in which amounts were apportioned in the fiscal year ending September 30, 1980, under section 15(a) of the Act. However, in apportioning amounts for a fiscal year under this subsection, the Secretary shall apportion—

(A) for each primary airport at least as much as would be apportioned for the airport under subsection (c)(1) of this section; and

(B) a total amount at least equal to the minimum amount required to be apportioned to airports in Alaska in the fiscal year ending September 30, 1980, under section 15(a)(3)(A) of the Act.

(2) AUTHORITY FOR DISCRETIONARY GRANTS.—This subsection does not prohibit the Secretary from making project grants for airports in Alaska from the discretionary fund under section 47115 of this title.

(3) AIRPORTS ELIGIBLE FOR FUNDS.—An amount apportioned under this subsection may be used for any public airport in Alaska.

(4) SPECIAL RULE.—In any fiscal year in which the total amount made available under section 48103 is \$3,200,000,000 or more, the amount that may be apportioned for airports in Alaska under paragraph (1) shall be increased by doubling the amount that would otherwise be apportioned.

(f) REDUCING APPORTIONMENTS.—

(1) IN GENERAL.—Subject to paragraph (3), an amount that would be apportioned under this section (except subsection (c)(2)) in a fiscal year to the [sponsor of an airport having at least .25 percent of the total number of boardings each year in the United States and] *sponsor of a medium or large hub airport* for which a charge is imposed in the fiscal year under section 40117 of this title shall be reduced by an amount equal to—

(A) in the case of a charge of \$3.00 or less—

(i) except as provided in clause (ii), 50 percent of the projected revenues from the charge in the fiscal year but not by more than 50 percent of the amount that otherwise would be apportioned under this section; or

(ii) with respect to an airport in Hawaii, 50 percent of the projected revenues from the charge in the fiscal year but not by more than 50 percent of the excess of—

(I) the amount that otherwise would be apportioned under this section; over

(II) the amount equal to the amount specified in subclause (I) multiplied by the percentage of the

total passenger boardings at the applicable airport that are comprised of interisland passengers; and (B) in the case of a charge of more than \$3.00—

(i) except as provided in clause (ii), **【75 percent】** 60 percent of the projected revenues from the charge in the fiscal year but not by more than **【75 percent】** 60 percent of the amount that otherwise would be apportioned under this section; or

(ii) with respect to an airport in Hawaii, **【75 percent】** 60 percent of the projected revenues from the charge in the fiscal year but not by more than **【75 percent】** 60 percent of the excess of—

(I) the amount that otherwise would be apportioned under this section; over

(II) the amount equal to the amount specified in subclause (I) multiplied by the percentage of the total passenger boardings at the applicable airport that are comprised of interisland passengers.

【(2) EFFECTIVE DATE OF REDUCTION.—A reduction in an apportionment required by paragraph (1) shall not take effect until the first fiscal year following the year in which the collection of the charge imposed under section 40117 is begun.

【(3) SPECIAL RULE FOR TRANSITIONING AIRPORTS.—

【(A) IN GENERAL.—Beginning with the fiscal year following the first calendar year in which the sponsor of an airport has more than .25 percent of the total number of boardings in the United States, the sum of the amount that would be apportioned under this section after application of paragraph (1) in a fiscal year to such sponsor and the projected revenues to be derived from the charge in such fiscal year shall not be less than the sum of the apportionment to such airport for the preceding fiscal year and the revenues derived from such charge in the preceding fiscal year.

【(B) EFFECTIVE PERIOD.—Subparagraph (A) shall be in effect for fiscal year 2004.]

(2) *EFFECTIVE DATE OF REDUCTION.—*

*(A) NEW CHARGE COLLECTION.—*A reduction in an apportionment under paragraph (1) shall not take effect until the first fiscal year following the year in which the collection of the charge imposed under section 40117 has begun.

*(B) NEW CATEGORIZATION.—*A reduction in an apportionment under paragraph (1) shall only be applied to an airport if such airport has been designated as a medium or large hub airport for 3 consecutive years.

(g) **SUPPLEMENTAL APPORTIONMENT FOR PUERTO RICO AND UNITED STATES TERRITORIES.—**The Secretary shall apportion amounts for airports in Puerto Rico and all other United States territories in accordance with this section. This subsection does not prohibit the Secretary from making project grants for airports in Puerto Rico or other United States territories from the discretionary fund under section 47115.

§ 47115. Discretionary fund

(a) **EXISTENCE AND AMOUNTS IN FUND.**—The Secretary of Transportation has a discretionary fund. The fund consists of—

- (1) amounts subject to apportionment for a fiscal year that are not apportioned under section 47114(c)–(e) of this title; and
- (2) 12.5 percent of amounts not apportioned under section 47114 of this title because of section 47114(f).

(b) **AVAILABILITY OF AMOUNTS.**—Subject to subsection (c) of this section and section 47117(e) of this title, the fund is available for making grants for any purpose for which amounts are made available under section 48103 of this title that the Secretary considers most appropriate to carry out this subchapter.

(c) **MINIMUM PERCENTAGE FOR PRIMARY AND RELIEVER AIRPORTS.**—At least 75 percent of the amount in the fund and distributed by the Secretary in a fiscal year shall be used for making grants—

- (1) to preserve and enhance capacity, safety, and security at primary and reliever airports; and
- (2) to carry out airport noise compatibility planning and programs at primary and reliever airports.

(d) **CONSIDERATIONS.**—

(1) **FOR CAPACITY ENHANCEMENT PROJECTS.**—In selecting a project for a grant to preserve and improve capacity funded in whole or in part from the fund, the Secretary shall consider—

(A) the effect that the project will have on overall national transportation system capacity;

(B) the benefit and cost of the project, including, in the case of a project at a reliever airport, the number of operations projected to be diverted from a primary airport to the reliever airport as a result of the project, as well as the cost savings projected to be realized by users of the local airport system;

(C) the financial commitment from non-United States Government sources to preserve or improve airport capacity;

(D) the airport improvement priorities of the States to the extent such priorities are not in conflict with subparagraphs (A) and (B);

(E) the projected growth in the number of passengers or aircraft that will be using the airport at which the project will be carried out; and

(F) the ability of the project to foster United States competitiveness in securing global air cargo activity at a United States airport.

(2) **FOR ALL PROJECTS.**—In selecting a project for a grant under this section, the Secretary shall consider among other factors whether—

(A) funding has been provided for all other projects qualifying for funding during the fiscal year under this chapter that have attained a higher score under the numerical priority system employed by the Secretary in administering the fund; and

(B) the sponsor will be able to commence the work identified in the project application in the fiscal year in which

the grant is made or within 6 months after the grant is made, whichever is later.

(e) **WAIVING PERCENTAGE REQUIREMENT.**—If the Secretary decides the Secretary cannot comply with the percentage requirement of subsection (c) of this section in a fiscal year because there are insufficient qualified grant applications to meet that percentage, the amount the Secretary determines will not be distributed as required by subsection (c) is available for obligation during the fiscal year without regard to the requirement.

(f) **CONSIDERATION OF DIVERSION OF REVENUES IN AWARDING DISCRETIONARY GRANTS.**—

(1) **GENERAL RULE.**—Subject to paragraph (2), in deciding whether or not to distribute funds to an airport from the discretionary funds established by subsection (a) of this section and section 47116 of this title, the Secretary shall consider as a factor militating against the distribution of such funds to the airport the fact that the airport is using revenues generated by the airport or by local taxes on aviation fuel for purposes other than capital or operating costs of the airport or the local airports system or other local facilities which are owned or operated by the owner or operator of the airport and directly and substantially related to the actual air transportation of passengers or property.

(2) **REQUIRED FINDING.**—Paragraph (1) shall apply only when the Secretary finds that the amount of revenues used by the airport for purposes other than capital or operating costs in the airport's fiscal year preceding the date of the application for discretionary funds exceeds the amount of such revenues in the airport's first fiscal year ending after August 23, 1994, adjusted by the Secretary for changes in the Consumer Price Index of All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(g) **MINIMUM AMOUNT TO BE CREDITED.**—

(1) **GENERAL RULE.**—In a fiscal year, there shall be credited to the fund, out of amounts made available under section 48103 of this title, an amount that is at least equal to the sum of—

(A) \$148,000,000; plus

(B) the total amount required from the fund to carry out in the fiscal year letters of intent issued before January 1, 1996, under section 47110(e) of this title or the Airport and Airway Improvement Act of 1982.

The amount credited is exclusive of amounts that have been apportioned in a prior fiscal year under section 47114 of this title and that remain available for obligation.

(2) **REDUCTION OF APPORTIONMENTS.**—In a fiscal year in which the amount credited under subsection (a) is less than the minimum amount to be credited under paragraph (1), the total amount calculated under paragraph (3) shall be reduced by an amount that, when credited to the fund, together with the amount credited under subsection (a), equals such minimum amount.

(3) **AMOUNT OF REDUCTION.**—For a fiscal year, the total amount available to make a reduction to carry out paragraph (2) is the total of the amounts determined under sections

47114(c)(1)(A), 47114(c)(2), 47114(d), and 47117(e) of this title. Each amount shall be reduced by an equal percentage to achieve the reduction.

(h) **PRIORITY FOR LETTERS OF INTENT.**—In making grants in a fiscal year with funds made available under this section, the Secretary shall fulfill intentions to obligate under section 47110(e) *prior to fulfilling intentions to obligate under section 47110(i)*.

(i) **MARSHALL ISLANDS, MICRONESIA, AND PALAU.**—For **【fiscal years 2018 through 2023】** *fiscal years 2023 through 2028*, the sponsors of airports located in the Republic of the Marshall Islands, Federated States of Micronesia, and Republic of Palau shall be eligible for grants under this section and section 47116.

(j) **SUPPLEMENTAL DISCRETIONARY FUNDS.**—

(1) **IN GENERAL.**—The Secretary shall establish a program to provide grants, subject to the conditions of this subsection, for any purpose for which amounts are made available under section 48103 that the Secretary considers most appropriate to carry out this subchapter.

(2) **TREATMENT OF GRANTS.**—

(A) **IN GENERAL.**—A grant made under this subsection shall be treated as having been made pursuant to the Secretary's authority under section 47104(a) and from the Secretary's discretionary fund under subsection (a) of this section.

(B) **EXCEPTION.**—Except as otherwise provided in this subsection, grants made under this subsection shall not be subject to subsection (c), section 47117(e), or any other apportionment formula, special apportionment category, or minimum percentage set forth in this chapter.

(3) **ELIGIBILITY AND PRIORITIZATION.**—

(A) **ELIGIBILITY.**—The Secretary may provide grants under this subsection for an airport or terminal development project at any airport that is eligible to receive a grant from the discretionary fund under subsection (a) of this section.

【(B) PRIORITIZATION.—Not less than 50 percent of the amounts available under this subsection shall be used to provide grants at—

【(i) airports that are eligible for apportionment under section 47114(d)(3); and

【(ii) nonhub and small hub airports.】

(B) MINIMUM ALLOCATION.—*Not more than 25 percent of the amounts available under this subsection shall be used to provide grants at nonhub and small hub airports.*

(C) PRIORITIZATION.—*In making grants under this subsection, the Secretary shall prioritize projects that reduce runway incursions or increase runway or taxiway safety.*

(4) **AUTHORIZATION.**—

(A) **IN GENERAL.**—There is authorized to be appropriated to the Secretary to carry out this subsection the following amounts:

- (i) \$1,020,000,000 for fiscal year 2019.
- (ii) \$1,041,000,000 for fiscal year 2020.
- (iii) \$1,064,000,000 for fiscal year 2021.
- (iv) \$1,087,000,000 for fiscal year 2022.

[(v) \$1,110,000,000 for fiscal year 2023.]

(v) \$1,110,000,000 for fiscal year 2023.

(vi) \$100,000,000 for fiscal year 2024.

(vii) \$100,000,000 for fiscal year 2025.

(viii) \$100,000,000 for fiscal year 2026.

(ix) \$100,000,000 for fiscal year 2027.

(x) \$100,000,000 for fiscal year 2028.

(B) AVAILABILITY.—Sums authorized to be appropriated under subparagraph (A) shall remain available for [2 fiscal years] 3 fiscal years.

(k) PARTNERSHIP PROGRAM AIRPORTS.—

(1) AUTHORITY.—The Secretary may make grants with funds made available under this section for an airport participating in the program under section 47134 if—

(A) the Secretary has approved the application of an airport sponsor under section 47134(b) in fiscal year 2019; and

(B) the grant will—

(i) satisfy an obligation incurred by an airport sponsor under section 47110(e) or funded by a nonpublic sponsor for an airport development project on the airport; or

(ii) provide partial Federal reimbursement for airport development (as defined in section 47102) on the airport layout plan initiated in the fiscal year in which the application was approved, or later, for over a period of not more than 10 years.

(2) NONAPPLICABILITY OF CERTAIN SECTIONS.—Grants made under this subsection shall not be subject to—

(A) subsection (c) of this section;

(B) section 47117(e); or

(C) any other apportionment formula, special apportionment category, or minimum percentage set forth in this chapter.

§ 47116. Small airport fund

(a) EXISTENCE AND AMOUNTS IN FUND.—The Secretary of Transportation has a small airport fund. The fund consists of 87.5 percent of amounts not apportioned under section 47114 of this title because of section 47114(f).

(b) DISTRIBUTION OF AMOUNTS.—The Secretary may distribute amounts in the fund in each fiscal year for any purpose for which amounts are made available under section 48103 of this title as follows:

[(1) one-seventh for grants for projects at small hub airports; and

[(2) the remaining amounts based on the following:

[(A) one-third for grants to sponsors of public-use airports (except commercial service airports).

[(B) two-thirds for grants to sponsors of each commercial service airport that each year has less than .05 percent of the total boardings in the United States in that year.]

(1) Not more than 25 percent for grants for projects at small hub airports.

(2) *Not less than 25 percent for grants to sponsors of public-use airports (except commercial service airports).*

(3) *Not less than 50 percent for grants to sponsors of commercial service airports that are not larger than a nonhub airport.*

(c) **AUTHORITY TO RECEIVE GRANT NOT DEPENDENT ON PARTICIPATION IN BLOCK GRANT PILOT PROGRAM.**—An airport in a State participating in the State block grant pilot program under section 47128 of this title may receive a grant under this section to the same extent the airport may receive a grant if the State were not participating in the program.

(d) **PRIORITY CONSIDERATION FOR CERTAIN PROJECTS.**—

(1) **CONSTRUCTION OF NEW RUNWAYS.**—In making grants to sponsors described in subsection (b)(2), the Secretary shall give priority consideration to multi-year projects for construction of new runways that the Secretary finds are cost beneficial and would increase capacity in a region of the United States.

[(2) **AIRPORT DEVELOPMENT FOR ELIGIBLE MOUNTAINTOP AIRPORTS.**—In making grants to sponsors described in subsection (b), the Secretary shall give priority consideration to mass grading and associated structural support (including access road, duct banks, and other related infrastructure) at mountaintop airports, provided that the airport would not otherwise have sufficient surface area for—

[(A) eligible and justified airport development projects;

or

[(B) additional hangar space.]

[(3)] (2) **CONTROL TOWER CONSTRUCTION.**—Notwithstanding section 47124(b)(4)(A), the Secretary may provide grants under this section to an airport sponsor participating in the contract tower program under section 47124 for the construction or improvement of a nonapproach control tower, as defined by the Secretary, and for the acquisition and installation of air traffic control, communications, and related equipment to be used in that tower. Such grants shall be subject to the distribution requirements of subsection (b) and the eligibility requirements of section 47124(b)(4)(B).

[(e) **SET-ASIDE FOR MEETING SAFETY TERMS IN AIRPORT OPERATING CERTIFICATES.**—In the first fiscal year beginning after the effective date of regulations issued to carry out section 44706(b) with respect to airports described in section 44706(a)(2), and in each of the next 4 fiscal years, the lesser of \$15,000,000 or 20 percent of the amounts that would otherwise be distributed to sponsors of airports under subsection (b)(2) shall be used to assist the airports in meeting the terms established by the regulations. If the Secretary publishes in the Federal Register a finding that all the terms established by the regulations have been met, this subsection shall cease to be effective as of the date of such publication.

[(f) **NOTIFICATION OF SOURCE OF GRANT.**—Whenever the Secretary makes a grant under this section, the Secretary shall notify the recipient of the grant, in writing, that the source of the grant is from the small airport fund.]

(e) **GENERAL AVIATION HANGARS AND TRANSIENT APRONS.**—*In distributing amounts from the fund described in subsection (a) to sponsors described in subsection (b)(2) and (b)(3)—*

(1) 5 percent of each amount shall be used for projects to construct aircraft hangars that are not larger than 5,000 square feet; and

(2) 5 percent of each amount shall be used for projects to construct or rehabilitate aprons intended to be used for itinerant general aviation aircraft parking.

§ 47117. Use of apportioned amounts

(a) GRANT PURPOSE.—Except as provided in this section, an amount apportioned under section 47114(c)(1) or (d)(2) of this title is available for making grants for any purpose for which amounts are made available under section 48103 of this title.

(b) PERIOD OF AVAILABILITY.—

(1) IN GENERAL.—An amount apportioned under section 47114 of this title is available to be obligated for grants under the apportionment only during the fiscal year for which the amount was apportioned and the 2 fiscal years immediately after that year or the 3 fiscal years immediately following that year in the case of a nonhub airport or any airport that is not a commercial service airport. Except as provided in paragraph (2), if the amount is not obligated under the apportionment within that time, it shall be added to the discretionary fund.

(2) EXPIRED AMOUNTS APPORTIONED FOR GENERAL AVIATION AIRPORTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), if an amount apportioned under section 47114(d) is not obligated within the time specified in paragraph (1), that amount shall be added to the discretionary fund under section 47115 of this title, provided that—

(i) amounts made available under paragraph (2)(A) shall be used for grants for projects in accordance with section 47115(d)(2) at airports eligible to receive an apportionment under section 47114(d)(2) [or (3)(A), whichever is applicable]; and

(ii) amounts made available under paragraph (2)(A) that are not obligated by July 1 of the fiscal year in which the funds will expire shall be made available for all projects in accordance with section 47115(d)(2).

(B) STATE BLOCK GRANT PROGRAM.—If an amount apportioned to an airport under [section 47114(d)(3)(A)] *section 47114(d)(2)(A)* is not obligated within the time specified in paragraph (1), and the airport is located in a State participating in the State block grant program under section 47128, the amount shall be made available to that State under the same conditions as if the State had been apportioned the amount under [section 47114(d)(3)(B)] *section 47114(d)(2)(B)*.

(c) PRIMARY AIRPORTS.—(1) An amount apportioned to a sponsor of a primary airport under section 47114(c)(1) of this title is available for grants for any public-use airport of the sponsor included in the national plan of integrated airport systems.

(2) WAIVER.—A sponsor of an airport may make an agreement with the Secretary of Transportation waiving the sponsor's claim to any part of the amount apportioned for the airport under sections 47114(c) and [47114(d)(3)(A)] *47114(d)(2)(A)* if the Secretary

agrees to make the waived amount available for a grant for another public-use airport in the same State or geographical area as the airport, as determined by the Secretary.

(d) STATE USE.—An amount apportioned to a State under—

(1) **section 47114(d)(2)(A) of this title** *section 47114(d)(2)(B)(i)* is available for grants for airports located in the State; and

(2) **section 47114(d)(2)(B) or (C)** *section 47114(d)(2)(B)(ii) or (iii)* **of this title** is available for grants for airports described in **section 47114(d)(2)(B) or (C)** *section 47114(d)(2)(B)(ii) or (iii)* and located in the State.

(e) SPECIAL APPORTIONMENT CATEGORIES.—(1) The Secretary shall use amounts available to the discretionary fund under section 47115 of this title for each fiscal year as follows:

(A) At least 35 percent, but not more than **[\$300,000,000]** *\$200,000,000*, for grants for airport noise compatibility planning under section 47505(a)(2), for carrying out noise compatibility programs under section 47504(c), for noise mitigation projects approved in an environmental record of decision for an airport development project under this title, **[for compatible land use planning and projects carried out by State and local governments under section 47141,]** for airport development described in **section 47102(3)(Q)** *subparagraphs (O) through (Q) of section 47102(3)*, for airport development described in section 47102(3)(F), 47102(3)(K), or 47102(3)(L) **[to comply with the Clean Air Act (42 U.S.C. 7401 et seq.)]**, and for water quality mitigation projects to comply with the Act of June 30, 1948 (33 U.S.C. 1251 et seq.), approved in an environmental record of decision for an airport development project under this title. The Secretary may count the amount of grants made for such planning and programs with funds apportioned under section 47114 in that fiscal year in determining whether or not the requirements of the preceding sentence are being met in that fiscal year. *The Secretary shall provide not less than two-thirds of amounts under this subparagraph and paragraph (3) for grants to sponsors of small hub, medium hub, and large hub airports.*

(B) At least 4 percent to sponsors of current or former military airports designated by the Secretary under section 47118(a) of this title for grants for developing current and former military airports to improve the capacity of the national air transportation system and to sponsors of noncommercial service airports for grants for operational and maintenance expenses at any such airport if the amount of such grants to the sponsor of the airport does not exceed \$30,000 in that fiscal year, if the Secretary determines that the airport is adversely affected by the closure or realignment of a military base, and if the sponsor of the airport certifies that the airport would otherwise close if the airport does not receive the grant.

[(C) In any fiscal year in which the total amount made available under section 48103 is \$3,200,000,000 or more, at least two-thirds of 1 percent for grants to sponsors of reliever airports which have—

[(i) more than 75,000 annual operations;

[(ii) a runway with a minimum usable landing distance of 5,000 feet;

[(iii) a precision instrument landing procedure;

[(iv) a minimum number of aircraft, to be determined by the Secretary, based at the airport; and

[(v) been designated by the Secretary as a reliever airport to an airport with 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings.]

(2) If the Secretary decides that an amount required to be used for grants under paragraph (1) of this subsection cannot be used for a fiscal year because there are insufficient qualified grant applications, the amount the Secretary determines cannot be used is available during the fiscal year for grants for other airports or for other purposes for which amounts are authorized for grants under section 48103 of this title.

[(3) PRIORITY.—The Secretary shall give priority in making grants under paragraph (1)(A) to applications for airport noise compatibility planning and programs at and around—

[(A) Chicago O'Hare International Airport;

[(B) LaGuardia Airport;

[(C) John F. Kennedy International Airport; and

[(D) Ronald Reagan Washington National Airport.]]

(3) *SPECIAL RULE.—Beginning in fiscal year 2025, if the amount made available under paragraph (1)(A) was not equal to or greater than \$150,000,000 in the preceding fiscal year, the Secretary shall issue grants for projects eligible under paragraph (1)(A) from apportionments made under section 47114 that are not required during the fiscal year to fund a grant for which such apportionments may be used in an amount that is not less than—*

(A) \$150,000,000; minus

(B) the amount made available under paragraph (1)(A) in the preceding fiscal year.

(f) DISCRETIONARY USE OF APPORTIONMENTS.—

(1) IN GENERAL.—[Subject to paragraph (2)] *Subject to paragraph (2) and except as provided in section 47116(a)(2), if the Secretary finds that all or part of an amount of an apportionment under section 47114 is not required during a fiscal year to fund a grant for which the apportionment may be used, the Secretary may use during such fiscal year the amount not so required to make grants for any purpose for which grants may be made under section 48103. The finding may be based on the notifications that the Secretary receives under section 47105(f) or on other information received from airport sponsors.*

(2) RESTORATION OF APPORTIONMENTS.—

(A) IN GENERAL.—If the fiscal year for which a finding is made under paragraph (1) with respect to an apportionment is not the last fiscal year of availability of the apportionment under subsection (b), the Secretary shall restore to the apportionment an amount equal to the amount of the apportionment used under paragraph (1) for a discretionary grant whenever a sufficient amount is made available under section 48103.

(B) PERIOD OF AVAILABILITY.—If restoration under this paragraph is made in the fiscal year for which the finding

is made or the succeeding fiscal year, the amount restored shall be subject to the original period of availability of the apportionment under subsection (b). If the restoration is made thereafter, the amount restored shall remain available in accordance with subsection (b) for the original period of availability of the apportionment plus the number of fiscal years during which a sufficient amount was not available for the restoration.

(3) NEWLY AVAILABLE AMOUNTS.—

(A) RESTORED AMOUNTS TO BE UNAVAILABLE FOR DISCRETIONARY GRANTS.—Of an amount newly available under section 48103 of this title, an amount equal to the amounts restored under paragraph (2) shall not be available for discretionary grant obligations under section 47115.

(B) USE OF REMAINING AMOUNTS.—Subparagraph (A) does not impair the Secretary's authority under paragraph (1), after a restoration under paragraph (2), to apply all or part of a restored amount that is not required to fund a grant under an apportionment to fund discretionary grants.

(4) LIMITATIONS ON OBLIGATIONS APPLY.—Nothing in this subsection shall be construed to authorize the Secretary to incur grant obligations under section 47104 for a fiscal year in an amount greater than the amount made available under section 48103 for such obligations for such fiscal year.

(g) LIMITING AUTHORITY OF SECRETARY.—The authority of the Secretary to make grants during a fiscal year from amounts that were apportioned for a prior fiscal year and remain available for approved airport development project grants under subsection (b) of this section may be impaired only by a law enacted after September 3, 1982, that expressly limits that authority.

* * * * *

§ 47119. Terminal development costs

(a) TERMINAL DEVELOPMENT PROJECTS.—

(1) IN GENERAL.—The Secretary of Transportation may approve a project for terminal development (including multimodal terminal development) [in a nonrevenue-producing public-use area of a commercial service airport—]

[(A) if the sponsor certifies that the airport, on the date the grant application is submitted to the Secretary, has—

[(i) all the safety equipment required for certification of the airport under section 44706;

[(ii) all the security equipment required by regulation; and

[(iii) provided for access by passengers to the area of the airport for boarding or exiting aircraft that are not air carrier aircraft;

[(B) if the cost is directly related to—

[(i) moving passengers and baggage in air commerce within the airport, including vehicles for moving passengers between terminal facilities and between terminal facilities and aircraft; or

[(ii) installing security cameras in the public area of the interior and exterior of the terminal; and]

[(C) under terms necessary to protect the interests of the Government] *at an airport if the sponsor certifies that the airport, on the date the grant application is submitted to the Secretary, has—*

(A) that any necessary airport development project affecting airport safety, security, or capacity will not be deferred if the Secretary approves a terminal development project under this section; and

(B) provided for access by passengers to the area of the airport for boarding or exiting aircraft that are not air carrier aircraft..

(2) PROJECT IN REVENUE-PRODUCING AREAS AND NONREVENUE-PRODUCING PARKING LOTS.—In making a decision under paragraph (1), the Secretary may approve as allowable costs the expenses of terminal development in a revenue-producing area and construction, reconstruction, repair, and improvement in a nonrevenue-producing [parking lot if—]

[(A) except as provided in section 47108(e)(3), the airport does not have more than .05 percent of the total annual passenger boardings in the United States; and]

[(B) the sponsor certifies that any needed airport development project affecting safety, security, or capacity will not be deferred because of the Secretary's approval] *parking lot.*

(3) LACTATION AREAS.—In addition to the projects described in paragraph (1), the Secretary may approve a project for terminal development for the construction or installation of a lactation area (as defined in section 47107(w)) at a commercial service airport.

[(b) REPAYING BORROWED MONEY.—

[(1) TERMINAL DEVELOPMENT COSTS INCURRED AFTER JUNE 30, 1970, AND BEFORE JULY 12, 1976.—An amount apportioned under section 47114 and made available to the sponsor of a commercial service airport at which terminal development was carried out after June 30, 1970, and before July 12, 1976, is available to repay immediately money borrowed and used to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d) if they had been incurred after September 3, 1982.

[(2) TERMINAL DEVELOPMENT COSTS INCURRED BETWEEN JANUARY 1, 1992, AND OCTOBER 31, 1992.—An amount apportioned under section 47114 and made available to the sponsor of a nonhub airport at which terminal development was carried out between January 1, 1992, and October 31, 1992, is available to repay immediately money borrowed and to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d).

[(3) TERMINAL DEVELOPMENT COSTS AT PRIMARY AIRPORTS.—An amount apportioned under section 47114 or available under subsection (b)(3) to a primary airport—

[(A) that was a nonhub airport in the most recent year used to calculate apportionments under section 47114;

[(B) that is a designated airport under section 47118 in fiscal year 2003; and

[(C) at which terminal development is carried out between January 2003 and August 2004, is available to repay immediately money borrowed and used to pay the costs for such terminal development if those costs would be allowable project costs under subsection (a).

[(4) CONDITIONS FOR GRANT.—An amount is available for a grant under this subsection only if—

[(A) the sponsor submits the certification required under subsection (a);

[(B) the Secretary decides that using the amount to repay the borrowed money will not defer an airport development project outside the terminal area at that airport; and

[(C) amounts available for airport development under this subchapter will not be used for additional terminal development projects at the airport for at least 1 year beginning on the date the grant is used to repay the borrowed money.

[(5) APPLICABILITY OF CERTAIN LIMITATIONS.—A grant under this subsection shall be subject to the limitations in subsections (c)(1) and (c)(2).]

[(c)] (b) AVAILABILITY OF AMOUNTS.—In a fiscal year, the Secretary may make available—

[(1) to a sponsor of a primary airport, any part of amounts apportioned to the sponsor for the fiscal year under section 47114(c)(1) of this title to pay project costs allowable under subsection (a);

[(2) on approval of the Secretary, not more than \$200,000 of the amount that may be distributed for the fiscal year from the discretionary fund established under section 47115 of this title—

[(A) to a sponsor of a nonprimary commercial service airport to pay project costs allowable under subsection (a); and

[(B) to a sponsor of a reliever airport for the types of project costs allowable under subsection (a), including project costs allowable for a commercial service airport that each year does not have more than .05 percent of the total boardings in the United States;

[(3) for use by a primary airport that each year does not have more than .05 percent of the total boardings in the United States, any part of amounts that may be distributed for the fiscal year from the discretionary fund and small airport fund to pay project costs allowable under subsection (a);

[(4) not more than \$25,000,000 to pay project costs allowable for the fiscal year under subsection (a) for projects at commercial service airports that were not eligible for assistance for terminal development during the fiscal year ending September 30, 1980, under section 20(b) of the Airport and Airway Development Act of 1970; or

[(5) to a sponsor of a nonprimary airport, any part of amounts apportioned to the sponsor for the fiscal year under section 47114(d)(3)(A) for project costs allowable under subsection (a).]

(1) any part of amounts apportioned to an airport sponsor under subsection (c) or (d) of section 47114 to pay project costs allowable under subsection (a);

(2) on the approval of the Secretary, any part of amounts that may be distributed for the fiscal year from the discretionary fund established under section 47115 to the sponsor of an airport to pay project costs allowable under subsection (a);

(3) on the approval of the Secretary, any part of amounts that may be distributed for the fiscal year from the small airport fund established under section 47116 to the sponsor of an airport eligible to receive funds under section 47116 to pay project costs allowable under subsection (a);

[(d)] (c) NONHUB AIRPORTS.—With respect to a project at a commercial service airport which annually has less than 0.05 percent of the total enplanements in the United States, the Secretary may approve the use of the amounts described in subsection (a) notwithstanding the requirements of sections 47107(a)(17), 47112, and 47113.

[(e)] DETERMINATION OF PASSENGER BOARDING AT COMMERCIAL SERVICE AIRPORTS.—For the purpose of determining whether an amount may be distributed for a fiscal year from the discretionary fund in accordance with subsection (b)(2)(A) to a commercial service airport, the Secretary shall make the determination of whether or not a public airport is a commercial service airport on the basis of the number of passenger boardings and type of air service at the public airport in the calendar year that includes the first day of such fiscal year or the preceding calendar year, whichever is more beneficial to the airport.

[(f)] LIMITATION ON DISCRETIONARY FUNDS.—The Secretary may distribute not more than \$20,000,000 from the discretionary fund established under section 47115 for terminal development projects at a nonhub airport or a small hub airport that is eligible to receive discretionary funds under section 47108(e)(3).]

* * * * *

§ 47124. Agreements for State and local operation of airport facilities

(a) GOVERNMENT RELIEF FROM LIABILITY.—The Secretary of Transportation shall ensure that an agreement under this subchapter with a qualified entity (as determined by the Secretary), State, or a political subdivision of a State to allow the entity, State, or subdivision to operate an airport facility relieves the United States Government from any liability arising out of, or related to, acts or omissions of employees of the entity, State, or subdivision in operating the airport facility.

(b) AIR TRAFFIC CONTROL CONTRACT PROGRAM.—

(1) CONTRACT TOWER PROGRAM.—

(A) CONTINUATION.—The Secretary shall continue the low activity (Visual Flight Rules) level I air traffic control tower contract program established under subsection (a) of this section for towers existing on December 30, 1987, and extend the program to other towers as practicable.

(B) SPECIAL RULE.—If the Secretary determines that a tower already operating under the Contract Tower Program has a benefit-to-cost ratio of less than 1.0, the airport

sponsor or State or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that exceeds the benefit—

(i) for the 1-year period after such determination is made; or

(ii) if an appeal of such determination is requested, for the 1-year period described in subsection (d)(4)(D). **[.]**

(C) USE OF EXCESS FUNDS.—If the Secretary finds that all or part of an amount made available to carry out the program continued under this paragraph is not required during a fiscal year, the Secretary may use, during such fiscal year, the amount not so required to carry out the Cost-share Program.

(2) GENERAL AUTHORITY.—The Secretary may make a contract with a qualified entity (as determined by the Secretary) or, on a sole source basis, with a State or a political subdivision of a State to allow the entity, State, or subdivision to operate an airport traffic control tower classified as a level I (Visual Flight Rules) tower if the Secretary decides that the entity, State, or subdivision has the capability to comply with the requirements of this paragraph. The contract shall require that the entity, State, or subdivision comply with applicable safety regulations in operating the facility and with applicable competition requirements in making a subcontract to perform work to carry out the contract.

(3) COST-SHARE PROGRAM.—

(A) IN GENERAL.—The Secretary shall establish a program to contract for air traffic control services at non-approach control towers, as defined by the Secretary, that do not qualify for the Contract Tower Program.

(B) PROGRAM COMPONENTS.—In carrying out the Cost-share Program, the Secretary shall—

(i) utilize for purposes of cost-benefit analyses, current, actual, site-specific data, forecast estimates, or airport master plan data provided by a facility owner or operator and verified by the Secretary; and

(ii) approve for participation only facilities willing to fund a pro rata share of the operating costs of the air traffic control tower to achieve a 1-to-1 benefit-to-cost ratio using actual site-specific contract tower operating costs in any case in which there is an operating air traffic control tower, as required for eligibility under the Contract Tower Program.

(C) PRIORITY.—In selecting facilities to participate in the Cost-share Program, the Secretary shall give priority to the following facilities:

(i) Air traffic control towers that are participating in the Contract Tower Program but have been notified that they will be terminated from such program because the Secretary has determined that the benefit-to-cost ratio for their continuation in such program is less than 1.0.

(ii) Air traffic control towers that the Secretary determines have a benefit-to-cost ratio of at least .50.

(iii) Air traffic control towers of the Federal Aviation Administration that are closed as a result of the air traffic controllers strike in 1981.

(iv) Air traffic control towers located at airports or points at which an air carrier is receiving compensation under the essential air service program under this chapter.

(v) Air traffic control towers located at airports that are prepared to assume partial responsibility for maintenance costs.

(vi) Air traffic control towers located at airports with safety or operational problems related to topography, weather, runway configuration, or mix of aircraft.

(vii) Air traffic control towers located at an airport at which the community has been operating the tower at its own expense.

(D) COSTS EXCEEDING BENEFITS.—If the costs of operating an air traffic tower under the Cost-share Program exceed the benefits, the airport sponsor or State or local government having jurisdiction over the airport shall pay the portion of the costs that exceed such benefit, with the maximum allowable local cost share capped at 20 percent. Airports with air service provided under part 121 of title 14, Code of Federal Regulations, and more than 25,000 passenger enplanements in calendar year 2014 shall be exempt from any cost-share requirement under this paragraph.

(E) FUNDING.—Of the amounts appropriated pursuant to section 106(k)(1), not more than \$10,350,000 for each of fiscal years 2012 through 2018 may be used to carry out this paragraph.

(F) USE OF EXCESS FUNDS.—If the Secretary finds that all or part of an amount made available under this paragraph is not required during a fiscal year, the Secretary may use, during such fiscal year, the amount not so required to carry out the Contract Tower Program.

(G) BENEFIT-TO-COST CALCULATION.—Not later than 90 days after receiving an application to the Contract Tower Program, the Secretary shall calculate a benefit-to-cost ratio (as described in subsection (d)) for the applicable air traffic control tower for purposes of selecting towers for participation in the Contract Tower Program.

(4) CONSTRUCTION OF AIR TRAFFIC CONTROL TOWERS.—

(A) GRANTS.—The Secretary may provide grants to a sponsor of—

(i) a primary airport—

(I) from amounts made available under sections 47114(c)(1) and 47114(c)(2) for the construction or improvement of a nonapproach control tower, as defined by the Secretary, and for the acquisition and installation of air traffic control, communications, and related equipment to be used in that tower;

(II) from amounts made available under sections 47114(c)(1) and 47114(c)(2) for reimbursement for

the cost of construction or improvement of a non-approach control tower, as defined by the Secretary, incurred after October 1, 1996, if the sponsor complied with the requirements of sections 47107(e), 47112(b), and 47112(c) in constructing or improving that tower; and

(III) from amounts made available under sections 47114(c)(1) and 47114(c)(2) for reimbursement for the cost of acquiring and installing in that tower air traffic control, communications, and related equipment that was acquired or installed after October 1, 1996, including remote air traffic control tower equipment certified by the Federal Aviation Administration; and

(ii) a public-use airport that is not a primary airport—

(I) from amounts made available under sections 47114(c)(2) and 47114(d) for the construction or improvement of a nonapproach control tower, as defined by the Secretary, and for the acquisition and installation of air traffic control, communications, and related equipment to be used in that tower;

(II) from amounts made available under sections 47114(c)(2) and 47114(d)(3)(A) for reimbursement for the cost of construction or improvement of a nonapproach control tower, as defined by the Secretary, incurred after October 1, 1996, if the sponsor complied with the requirements of sections 47107(e), 47112(b), and 47112(c) in constructing or improving that tower; and

(III) from amounts made available under sections 47114(c)(2) and 47114(d)(3)(A) for reimbursement for the cost of acquiring and installing in that tower air traffic control, communications, and related equipment that was acquired or installed after October 1, 1996, including remote air traffic control tower equipment certified by the Federal Aviation Administration.

(B) ELIGIBILITY.—An airport sponsor shall be eligible for a grant under this paragraph only if—

(i)(I) the sponsor is a participant in the Federal Aviation Administration Contract Tower Program or the Cost-share Program; or

(II) construction of a nonapproach control tower would qualify the sponsor to be eligible to participate in such program;

(ii) the sponsor certifies that it will pay not less than 10 percent of the cost of the activities for which the sponsor is receiving assistance under this paragraph;

(iii) the Secretary affirmatively accepts the proposed contract tower into a contract tower program under this section and certifies that the Secretary will seek future appropriations to pay the Federal Aviation Ad-

ministration's cost of the contract to operate the tower to be constructed under this paragraph;

(iv) the sponsor certifies that it will pay its share of the cost of the contract to operate the tower to be constructed under this paragraph; and

(v) in the case of a tower to be constructed under this paragraph from amounts made available under section 47114(d)(2) or 47114(d)(3)(B), the Secretary certifies that—

(I) the Federal Aviation Administration has consulted the State within the borders of which the tower is to be constructed and the State supports the construction of the tower as part of its State airport capital plan; and

(II) the selection of the tower for funding is based on objective criteria.

(c) SAFETY AUDITS.—The Secretary shall establish uniform standards and requirements for regular safety assessments of air traffic control towers that receive funding under this section.

(d) CRITERIA TO EVALUATE PARTICIPANTS.—

(1) TIMING OF EVALUATIONS.—

(A) TOWERS PARTICIPATING IN COST-SHARE PROGRAM.—In the case of an air traffic control tower that is operated under the Cost-share Program, the Secretary shall annually calculate a benefit-to-cost ratio with respect to the tower.

(B) TOWERS PARTICIPATING IN CONTRACT TOWER PROGRAM.—In the case of an air traffic control tower that is operated under the Contract Tower Program, the Secretary shall not calculate a benefit-to-cost ratio after the date of enactment of this subsection with respect to the tower unless the Secretary determines that the annual aircraft traffic at the airport where the tower is located has decreased—

(i) by more than 25 percent from the previous year;

or

(ii) by more than 55 percent cumulatively in the preceding 3-year period.

(2) COSTS TO BE CONSIDERED.—In establishing a benefit-to-cost ratio under this section with respect to an air traffic control tower, the Secretary shall consider only the following costs:

(A) The Federal Aviation Administration's actual cost of wages and benefits of personnel working at the tower.

(B) The Federal Aviation Administration's actual telecommunications costs directly associated with the tower.

(C) The Federal Aviation Administration's costs of purchasing and installing any air traffic control equipment that would not have been purchased or installed except as a result of the operation of the tower.

(D) The Federal Aviation Administration's actual travel costs associated with maintaining air traffic control equipment that is owned by the Administration and would not be maintained except as a result of the operation of the tower.

(E) Other actual costs of the Federal Aviation Administration directly associated with the tower that would not be incurred except as a result of the operation of the tower (excluding costs for noncontract tower-related personnel and equipment, even if the personnel or equipment is located in the contract tower building).

(3) OTHER CRITERIA TO BE CONSIDERED.—In establishing a benefit-to-cost ratio under this section with respect to an air traffic control tower, the Secretary shall add a 10 percentage point margin of error to the benefit-to-cost ratio determination to acknowledge and account for the direct and indirect economic and other benefits that are not included in the criteria the Secretary used in calculating that ratio.

(4) REVIEW OF COST-BENEFIT DETERMINATIONS.—In issuing a benefit-to-cost ratio determination under this section with respect to an air traffic control tower located at an airport, the Secretary shall implement the following procedures:

(A) The Secretary shall provide the airport (or the State or local government having jurisdiction over the airport) at least 90 days following the date of receipt of the determination to submit to the Secretary a request for an appeal of the determination, together with updated or additional data in support of the appeal.

(B) Upon receipt of a request for an appeal submitted pursuant to subparagraph (A), the Secretary shall—

(i) transmit to the Administrator of the Federal Aviation Administration any updated or additional data submitted in support of the appeal; and

(ii) provide the Administrator not more than 90 days to review the data and provide a response to the Secretary based on the review.

(C) After receiving a response from the Administrator pursuant to subparagraph (B), the Secretary shall—

(i) provide the airport, State, or local government that requested the appeal at least 30 days to review the response; and

(ii) withhold from taking further action in connection with the appeal during that 30-day period.

(D) If, after completion of the appeal procedures with respect to the determination, the Secretary requires the tower to transition into the Cost-share Program, the Secretary shall not require a cost-share payment from the airport, State, or local government for 1 year following the last day of the 30-day period described in subparagraph (C).

(e) DEFINITIONS.—In this section:

(1) CONTRACT TOWER PROGRAM.—The term “Contract Tower Program” means the level I air traffic control tower contract program established under subsection (a) and continued under subsection (b)(1).

(2) COST-SHARE PROGRAM.—The term “Cost-share Program” means the cost-share program established under subsection (b)(3).

* * * * *

§ 47125. Conveyances of United States Government land

(a) CONVEYANCES TO PUBLIC AGENCIES.—Except as provided in subsection (b) of this section, the Secretary of Transportation shall request the head of the department, agency, or instrumentality of the United States Government owning or controlling land or airspace to convey a property interest in the land or airspace to the public agency sponsoring the project or owning or controlling the airport when necessary to carry out a project under this subchapter at a public airport, to operate a public airport, or for the future development of an airport under the national plan of integrated airport systems. The head of the department, agency, or instrumentality shall decide whether the requested conveyance is consistent with the needs of the department, agency, or instrumentality and shall notify the Secretary of that decision not later than 4 months after receiving the request. If the head of the department, agency, or instrumentality decides that the requested conveyance is consistent with its needs, the head of the department, agency, or instrumentality, with the approval of the Attorney General and without cost to the Government, shall make the conveyance. A conveyance may be made only on the condition that the property interest conveyed reverts to the Government, at the option of the Secretary, to the extent it is not developed for an airport purpose or used consistently with the conveyance. Before waiving a condition that property be used for an aeronautical purpose under the preceding sentence, the Secretary must provide notice to the public not less than 30 days before waiving such condition.

(b) NONAPPLICATION.—Except as specifically provided by law, subsection (a) of this section does not apply to land or airspace owned or controlled by the Government within—

- (1) a national park, national monument, national recreation area, or similar area under the administration of the National Park Service;
- (2) a unit of the National Wildlife Refuge System or similar area under the jurisdiction of the United States Fish and Wildlife Service; or
- (3) a national forest or Indian reservation.

(c) WAIVING RESTRICTIONS.—

(1) *IN GENERAL.*—Subject to paragraph (2), the Secretary may grant to an airport, city, or county a waiver of any of the terms, conditions, reservations, or restrictions contained in a deed under which the United States conveyed to the airport, city, or county an interest in real property for airport purposes pursuant to section 16 of the Federal Airport Act (60 Stat. 179), section 23 of the Airport and Airway Development Act of 1970 (84 Stat. 232), or this section.

(2) *CONDITIONS.*—Any waiver granted by the Secretary pursuant to paragraph (1) shall be subject to the following conditions:

(A) *The applicable airport, city, county, or other political subdivision shall agree that in conveying any interest in the real property which the United States conveyed to the airport, city, or county, the airport, city, or county will receive consideration for such interest that is equal to its current fair market value.*

(B) Any consideration received by the airport, city, or county under subparagraph (A) shall be used exclusively for the development, improvement, operation, or maintenance of a public airport by the airport, city, or county.

(C) Such waiver—

(i) will not significantly impair the aeronautical purpose of an airport;

(ii) will not result in the permanent closure of an airport (unless the Secretary determines that the waiver will directly facilitate the construction of a replacement airport); or

(iii) is necessary to protect or advance the civil aviation interests of the United States.

(D) Any other conditions required by the Secretary.

(3) ANNUAL REPORTING.—The Secretary shall include a list and description of each waiver granted pursuant to paragraph (1) in the report required under section 47131.

* * * * *

§ 47127. Ground transportation demonstration projects

(a) GENERAL AUTHORITY.—To improve the airport and airway system of the United States consistent with regional airport system plans financed under section 13(b) of the Airport and Airway Development Act of 1970, the Secretary of Transportation may carry out ground transportation demonstration projects to improve ground access to [air carrier airport] *commercial service airport* terminals. The Secretary may carry out a demonstration project independently or by grant or contract, including an agreement with another department, agency, or instrumentality of the United States Government.

(b) PRIORITY.—In carrying out this section, the Secretary shall give priority to a demonstration project that—

(1) affects an airport in an area with an operating regional rapid transit system with existing facilities reasonably near the airport;

(2) includes connection of the airport terminal to that system;

(3) is consistent with and supports a regional airport system plan adopted by the planning agency for the region and submitted to the Secretary; and

(4) improves access to air transportation for individuals residing or working in the region by encouraging the optimal balance of use of airports in the region.

§ 47128. State block grant program

(a) GENERAL REQUIREMENTS.—The Secretary of Transportation shall issue guidance to carry out a State block grant program. The guidance shall provide that the Secretary may designate not more than 20 qualified States for each fiscal year to assume administrative responsibility for all airport grant amounts available under this subchapter, except for amounts designated for use at primary airports.

(b) APPLICATIONS AND SELECTION.—A State wishing to participate in the program must submit an application to the Secretary.

The Secretary shall select a State on the basis of its application only after—

(1) deciding the State has an organization capable of effectively administering a block grant made under this section;

(2) deciding the State uses a satisfactory airport system planning process;

(3) deciding the State uses a programming process acceptable to the Secretary;

(4) finding that the State has agreed to comply with United States Government standard requirements for administering the block grant, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), State and local environmental policy acts, Executive orders, agency regulations and guidance, and other Federal environmental requirements; and

(5) finding that the State has agreed to provide the Secretary with program information the Secretary requires.

(c) SAFETY AND SECURITY NEEDS AND NEEDS OF SYSTEM.—Before deciding whether a planning process is satisfactory or a programming process is acceptable under subsection (b)(2) or (b)(3) of this section, the Secretary shall ensure that the process provides for meeting critical safety and security needs and that the programming process ensures that the needs of the national airport system will be addressed in deciding which projects will receive money from the Government. In carrying out this subsection, the Secretary shall permit a State to use the priority system of the State if such system is not inconsistent with the national priority system.

(d) ENVIRONMENTAL ANALYSIS AND COORDINATION REQUIREMENTS.—A Federal agency, other than the Federal Aviation Administration, that is responsible for issuing an approval, license, or permit to ensure compliance with a Federal environmental requirement applicable to a project or activity to be carried out by a State using amounts from a block grant made under this section shall—

(1) coordinate and consult with the State;

(2) use the environmental analysis prepared by the State for the project or activity if such analysis is adequate; and

(3) as necessary, consult with the State to describe the supplemental analysis the State must provide to meet applicable Federal requirements.

(e) TRAINING FOR PARTICIPATING STATES.—

(1) IN GENERAL.—*The Secretary shall provide to each State participating in the block grant program under this section training or updated training materials for the administrative responsibilities assumed by the State under such program at no cost to the State.*

(2) TIMING.—*The training or updated training materials provided under paragraph (1) shall be provided at least once during each 2-year period and at any time there is a material change in the program.*

(f) ROLES AND RESPONSIBILITIES OF PARTICIPATING STATES.—

(1) AIRPORTS.—*Unless a State participating in the block grant program under this section expressly agrees in a memorandum of agreement, the Secretary shall not require the State to manage functions and responsibilities for airport actions or projects that do not relate to such program.*

(2) *PROGRAM DOCUMENTATION.*—Any grant agreement providing funds to be administered under such program shall be consistent with the most recently executed memorandum of agreement between the State and the Federal Aviation Administration. The Administrator of the Federal Aviation Administration shall provide parity to participating States and shall only require the same type of information and level of detail for any program agreements and documentation that the Administrator would perform with respect to such action if the State did not participate in the program.

(3) *RESPONSIBILITIES.*—The Administrator shall retain responsibility for the following, unless expressly agreed to by the State:

(A) Grant compliance investigations, determinations, and enforcement.

(B) Obstruction evaluation and airport airspace analysis, determinations, and enforcement off airport property.

(C) Non-rulemaking analysis, determinations, and enforcement for proposed improvements on airport properties not associated with this subchapter, or off airport property.

(D) Land use determinations under section 163 of the FAA Reauthorization Act of 2018 (49 U.S.C. 47107 note), compatibility planning, and airport layout plan review and approval for projects not funded by amounts available under this subchapter.

(E) Nonaeronautical and special event recommendations and approvals.

(F) Instrument approach procedure evaluations and determinations.

(G) Environmental review for projects not funded by amounts available under this subchapter.

(H) Review and approval of land leases, land releases, changes in on-airport land-use designation, and through-the-fence agreements.

* * * * *

【§ 47131. Annual report

【(a) GENERAL RULE.—Not later than June 1 of each year, the Secretary of Transportation shall submit to Congress a report on activities carried out under this subchapter during the prior fiscal year. The report shall include—

【(1) a summary of airport development and planning completed;

【(2) a summary of individual grants issued;

【(3) an accounting of discretionary and apportioned funds allocated;

【(4) the allocation of appropriations; and

【(5) a detailed statement listing airports that the Secretary believes are not in compliance with grant assurances or other requirements with respect to airport lands and including the circumstances of such noncompliance, the timelines for corrective action, and the corrective action the Secretary intends to take to bring the airport sponsor into compliance.

【(b) SPECIAL RULE FOR LISTING NONCOMPLIANT AIRPORTS.—The Secretary does not have to conduct an audit or make a final deter-

mination before including an airport on the list referred to in subsection (a)(5).】

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§ 47134. Airport investment partnership program

(a) SUBMISSION OF APPLICATIONS.—If a sponsor intends to sell or lease a general aviation airport or lease any other type of airport for a long term to a person (other than a public agency), the sponsor and purchaser or lessee may apply to the Secretary of Transportation for exemptions under this section.

(b) APPROVAL OF APPLICATIONS.—The Secretary may approve applications submitted under subsection (a) granting exemptions from the following provisions:

(1) USE OF REVENUES.—

(A) IN GENERAL.—The Secretary may grant an exemption to a sponsor from the provisions of sections 47107(b) and 47133 of this title (and any other law, regulation, or grant assurance) to the extent necessary to permit the sponsor to recover from the sale or lease of the airport such amount as may be approved—

(i) in the case of a primary airport, by at least 65 percent of the scheduled air carriers serving the airport and by scheduled and nonscheduled air carriers whose aircraft landing at the airport during the preceding calendar year, had a total landed weight during the preceding calendar year of at least 65 percent of the total landed weight of all aircraft landing at the airport during such year; or

(ii) in the case of a nonprimary airport, by the Secretary after the airport has consulted with at least 65 percent of the owners of aircraft based at that airport, as determined by the Secretary.

(B) OBJECTION TO EXEMPTION.—An air carrier shall be deemed to have approved a sponsor's application for an exemption under subparagraph (A) unless the air carrier has submitted an objection, in writing, to the sponsor within 60 days of the filing of the sponsor's application with the Secretary, or within 60 days of the service of the application upon that air carrier, whichever is later.

(C) LANDED WEIGHT DEFINED.—In this paragraph, the term "landed weight" means the weight of aircraft transporting passengers or cargo, or both, in intrastate, interstate, and foreign air transportation, as the Secretary determines under regulations the Secretary prescribes.

(2) REPAYMENT REQUIREMENTS.—If the Secretary grants an exemption to a sponsor pursuant to paragraph (1), the Secretary shall grant an exemption to the sponsor from the provisions of sections 47107 and 47152 of this title (and any other law, regulation, or grant assurance) to the extent necessary to waive any obligation of the sponsor to repay to the Federal Government any grants, or to return to the Federal Government any property, received by the airport under this title, the Airport and Airway Improvement Act of 1982, or any other law.

(3) COMPENSATION FROM AIRPORT OPERATIONS.—If the Secretary grants an exemption to a sponsor pursuant to paragraph (1), the Secretary shall grant an exemption to the corresponding purchaser or lessee from the provisions of sections 47107(b) and 47133 of this title (and any other law, regulation, or grant assurance) to the extent necessary to permit the purchaser or lessee to earn compensation from the operations of the airport.

(4) BENEFIT-COST ANALYSIS.—*Prior to approving an application submitted under subsection (a), the Secretary may require a benefit-cost analysis. If a benefit-cost analysis is required, the Secretary shall issue a preliminary and conditional finding, which shall—*

(A) be issued not later than 60 days after the date on which the sponsor submits all information required by the Secretary;

(B) be based upon a collaborative review process that includes the sponsor or sponsor's representative;

(C) not constitute the issuance of a Federal grant or obligation to issue a grant under this chapter or other provision of law; and

(D) not constitute any other obligation on the part of the Federal Government until the conditions specified in the final benefit-cost analysis are met.

(c) TERMS AND CONDITIONS.—The Secretary may approve an application under subsection (b) only if the Secretary finds that the sale or lease agreement includes provisions satisfactory to the Secretary to ensure the following:

(1) The airport will continue to be available for public use on reasonable terms and conditions and without unjust discrimination.

(2) The operation of the airport will not be interrupted in the event that the purchaser or lessee becomes insolvent or seeks or becomes subject to any State or Federal bankruptcy, reorganization, insolvency, liquidation, or dissolution proceeding or any petition or similar law seeking the dissolution or reorganization of the purchaser or lessee or the appointment of a receiver, trustee, custodian, or liquidator for the purchaser or lessee or a substantial part of the purchaser or lessee's property, assets, or business.

(3) The purchaser or lessee will maintain, improve, and modernize the facilities of the airport through capital investments and will submit to the Secretary a plan for carrying out such maintenance, improvements, and modernization.

(4) Every fee of the airport imposed on an air carrier on the day before the date of the lease of the airport will not increase faster than the rate of inflation unless a higher amount is approved—

(A) by at least 65 percent of the air carriers serving the airport; and

(B) by air carriers whose aircraft landing at the airport during the preceding calendar year had a total landed weight during the preceding calendar year of at least 65 percent of the total landed weight of all aircraft landing at the airport during such year.

(5) The percentage increase in fees imposed on general aviation aircraft at the airport will not exceed the percentage increase in fees imposed on air carriers at the airport.

(6) Safety and security at the airport will be maintained at the highest possible levels.

(7) The adverse effects of noise from operations at the airport will be mitigated to the same extent as at a public airport.

(8) Any adverse effects on the environment from airport operations will be mitigated to the same extent as at a public airport.

(9) Any collective bargaining agreement that covers employees of the airport and is in effect on the date of the sale or lease of the airport will not be abrogated by the sale or lease.

(d) PROGRAM PARTICIPATION.—

(1) MULTIPLE AIRPORTS.—The Secretary may consider applications under this section submitted by a public airport sponsor for multiple airports under the control of the sponsor if all airports under the control of the sponsor are located in the same State.

(2) PARTIAL PRIVATIZATION.—A purchaser or lessee may be an entity in which a sponsor has an interest.

(e) REQUIRED FINDING THAT APPROVAL WILL NOT RESULT IN UNFAIR METHODS OF COMPETITION.—The Secretary may approve an application under subsection (b) only if the Secretary finds that the approval will not result in unfair and deceptive practices or unfair methods of competition.

(f) INTERESTS OF GENERAL AVIATION USERS.—In approving an application of an airport under this section, the Secretary shall ensure that the interests of general aviation users of the airport are not adversely affected.

(g) PASSENGER FACILITY FEES; APPORTIONMENTS; SERVICE CHARGES.—Notwithstanding that the sponsor of an airport receiving an exemption under subsection (b) is not a public agency, the sponsor shall not be prohibited from—

(1) imposing a passenger facility charge under section 40117 of this title;

(2) receiving apportionments under section 47114 of this title; or

(3) collecting reasonable rental charges, landing fees, and other service charges from aircraft operators under section 40116(e)(2) of this title.

(h) EFFECTIVENESS OF EXEMPTIONS.—An exemption granted under subsection (b) shall continue in effect only so long as the facilities sold or leased continue to be used for airport purposes.

(i) REVOCATION OF EXEMPTIONS.—The Secretary may revoke an exemption issued to a purchaser or lessee of an airport under subsection (b)(3) if, after providing the purchaser or lessee with notice and an opportunity to be heard, the Secretary determines that the purchaser or lessee has knowingly violated any of the terms specified in subsection (c) for the sale or lease of the airport.

(j) NONAPPLICATION OF PROVISIONS TO AIRPORTS OWNED BY PUBLIC AGENCIES.—The provisions of this section requiring the approval of air carriers in determinations concerning the use of revenues, and imposition of fees, at an airport shall not be extended so

as to apply to any airport owned by a public agency that is not participating in the program established by this section.

(k) AUDITS.—The Secretary may conduct periodic audits of the financial records and operations of an airport receiving an exemption under this section.

(l) PREDEVELOPMENT LIMITATION.—A grant to an airport sponsor under this subchapter for predevelopment planning costs relating to the preparation of an application or proposed application under this section may not exceed \$750,000 per application or proposed application.

§ 47135. Innovative financing techniques

[(a) IN GENERAL.—The Secretary of Transportation may approve, after the date of enactment of the Vision 100—Century of Aviation Reauthorization Act, applications for not more than 20 airport development projects for which grants received under this subchapter may be used for innovative financing techniques. Such projects shall be located at airports that each year have less than .25 percent of the total number of passenger boardings each year at all commercial service airports in the most recent calendar year for which data is available.]

[(b) PURPOSE.—The purpose of grants made under this section shall be to provide information on the benefits and difficulties of using innovative financing techniques for airport development projects.]

(a) AUTHORITY.—

(1) IN GENERAL.—*The Secretary of Transportation may approve an application by an airport sponsor to use grants received under this subchapter for innovative financing techniques related to an airport development project that is located at an airport that is not a large hub airport.*

(2) APPROVAL.—*The Secretary may approve not more than 30 applications described under paragraph (1) in a fiscal year.*

(b) PURPOSES.—*The purpose of grants made under this section shall be to—*

(1) *provide information on the benefits and difficulties of using innovative financing techniques for airport development projects;*

(2) *lower the total cost of an airport development project; or*

(3) *expedite the delivery or completion of an airport development project without reducing safety or causing environmental harm.*

(c) LIMITATIONS.—

(1) NO GUARANTEES.—In no case shall the implementation of an innovative financing technique under this section be used in a manner giving rise to a direct or indirect guarantee of any airport debt instrument by the United States Government.

(2) TYPES OF TECHNIQUES.—In this section, innovative financing techniques are limited to—

(A) payment of interest;

(B) commercial bond insurance and other credit enhancement associated with airport bonds for eligible airport development;

(C) flexible non-Federal matching requirements; [and]

(D) use of funds apportioned under section 47114 for the payment of principal and interest of terminal development for costs incurred before the date of the enactment of this section[.]; and

(E) any other techniques that the Secretary determines are consistent with the purposes of this section.

§ 47136. Zero-emission airport vehicles and infrastructure

(a) **IN GENERAL.**—The Secretary of Transportation may establish a pilot program under which the sponsors of public-use airports may use funds made available under this chapter or section 48103 for use at such airports to carry out—

(1) activities associated with the acquisition, by purchase or lease, and operation of eligible zero-emission vehicles and equipment, including removable power sources for such vehicles; and

(2) the construction or modification of infrastructure to facilitate the delivery of fuel, power or services necessary for the use of such vehicles.

(b) **ELIGIBILITY.**—A public-use airport is eligible for participation in the program if the eligible vehicles or equipment are—

(1) used exclusively on airport property; or

(2) used exclusively to transport passengers and employees between the airport and—

(A) nearby facilities which are owned or controlled by the airport or which otherwise directly support the functions or services provided by the airport; or

(B) an intermodal surface transportation facility adjacent to the airport.

(c) **SELECTION CRITERIA.**—In selecting from among applicants for participation in the program, the Secretary shall give priority consideration to [applicants that will] *applicants that*—

(1) will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the program[.]; and

(2) provide a long-term management plan for eligible vehicles and equipment that includes the existing and future infrastructure requirements of the airport related to such vehicles and equipment.

(d) **FEDERAL SHARE.**—The Federal share of the cost of a project carried out under the program shall be the Federal share specified in section 47109.

(e) **TECHNICAL ASSISTANCE.**—

(1) **IN GENERAL.**—The sponsor of a public-use airport may use not more than 10 percent of the amounts made available to the sponsor under the program in any fiscal year for—

(A) technical assistance; and

(B) project management support to assist the airport with the solicitation, acquisition, and deployment of zero-emission vehicles, related equipment, and supporting infrastructure.

(2) **PROVIDERS OF TECHNICAL ASSISTANCE.**—To receive the technical assistance or project management support described in paragraph (1), participants in the program may use—

(A) a nonprofit organization selected by the Secretary; or

(B) a university transportation center receiving grants under section 5505 in the region of the airport.

(f) MATERIALS IDENTIFYING BEST PRACTICES.—The Secretary may create and make available materials identifying best practices for carrying out activities funded under the program based on previous related projects and other sources.

(g) ALLOWABLE PROJECT COST.—The allowable project cost for the acquisition of a zero-emission vehicle shall be the total cost of purchasing or leasing the vehicle, including the cost of technical assistance or project management support described in subsection (e).

(h) FLEXIBLE PROCUREMENT.—A sponsor of a public-use airport may use funds made available under the program to acquire, by purchase or lease, a zero-emission vehicle and a removable power source in separate transactions, including transactions by which the airport purchases the vehicle and leases the removable power source.

(i) TESTING REQUIRED.—

(1) IN GENERAL.—A sponsor of a public-use airport may not use funds made available under the program to acquire a zero-emission vehicle unless that make, model, or type of vehicle has been tested by a Federal vehicle testing facility acceptable to the Secretary.

(2) PENALTIES FOR FALSE STATEMENTS.—A certification of compliance under paragraph (1) shall be considered a certification required under this subchapter for purposes of section 47126.

(j) DEFINITIONS.—In this section, the following definitions apply:

(1) ELIGIBLE ZERO-EMISSION VEHICLE AND EQUIPMENT.—The term “eligible zero-emission vehicle and equipment” means a zero-emission vehicle, equipment related to such a vehicle, or ground support equipment that includes zero-emission technology that is—

(A) used exclusively on airport property; or

(B) used exclusively to transport passengers and employees between the airport and—

(i) nearby facilities which are owned or controlled by the airport or which otherwise directly support the functions or services provided by the airport; or

(ii) an intermodal surface transportation facility adjacent to the airport.

(2) REMOVABLE POWER SOURCE.—The term “removable power source” means a power source that is separately installed in, and removable from, a zero-emission vehicle and may include a battery, a fuel cell, an ultra-capacitor, or other power source used in a zero-emission vehicle.

(3) ZERO-EMISSION VEHICLE.—The term “zero-emission vehicle” means—

(A) a zero-emission vehicle as defined in section 88.102–94 of title 40, Code of Federal Regulations; or

(B) a vehicle that produces zero exhaust emissions of any criteria pollutant (or precursor pollutant) under any possible operational modes and conditions.

* * * * *

§ 47139. Emission credits for air quality projects

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall issue guidance on how to ensure that [airport sponsors receive] *airport sponsors may receive* appropriate emission reduction credits for [carrying out projects] *carrying out projects, including projects* described in sections 40117(a)(3)(G), 47102(3)(K), and 47102(3)(L). Such guidance shall include, at a minimum, the following [conditions] *considerations*:

(1) The provision of credits is consistent with the Clean Air Act (42 U.S.C. 7402 et seq.).

(2) Credits generated by the emissions reductions are kept by the [airport sponsor] *airport sponsor, including for an airport outside of a nonattainment area*, and may [only] be used for purposes of any current or future general conformity determination under the Clean Air Act [or as offsets], *as offsets* under the Environmental Protection Agency's new source review program for projects on the airport or associated with the airport[.], *or as part of a State implementation plan*.

(3) Credits are calculated and provided to airports on a consistent basis nationwide.

(4) Credits are provided to airport sponsors in a timely manner.

(5) The establishment of a method to assure the Secretary that, for any specific airport project for which funding is being requested, the appropriate credits will be granted.

[(b) ASSURANCE OF RECEIPT OF CREDITS.—As a condition for making a grant for a project described in section 47102(3)(K), 47102(3)(L), or 47140 or as a condition for granting approval to collect or use a passenger facility charge for a project described in section 40117(a)(3)(G), 47102(3)(K), 47102(3)(L), or 47140, the Secretary must receive assurance from the State in which the project is located, or from the Administrator of the Environmental Protection Agency where there is a Federal implementation plan, that the airport sponsor will receive appropriate emission credits in accordance with the conditions of this section.]

[(c)] (b) STATE AUTHORITY UNDER CAA.—Nothing in this section shall be construed as overriding existing State law or regulation pursuant to section 116 of the Clean Air Act (42 U.S.C. 7416).

§ 47140. Increasing the energy efficiency of airport power sources

[(a) IN GENERAL.—The Secretary of Transportation shall establish a program under which the Secretary shall encourage the sponsor of each public-use airport to assess the airport's energy requirements, including heating and cooling, base load, back-up power, and power for on-road airport vehicles and ground support equipment, in order to identify opportunities to increase energy efficiency at the airport, and to reimburse the airport sponsor for the costs incurred in conducting the assessment.

[(b) GRANTS.—

[(1) IN GENERAL.—The Secretary may make grants from amounts made available under section 48103 to assist airport sponsors that have completed the assessment described in subsection (a) to acquire or construct equipment, including hydro-

gen equipment and related infrastructure, that will increase energy efficiency at the airport.

【(2) APPLICATION.—To be eligible for a grant under paragraph (1), the sponsor of a public-use airport shall submit an application, including a certification that no safety projects are being deferred by requesting a grant under this section, to the Secretary at such time, in such manner, and containing such information as the Secretary may require.】

§ 47140. Meeting current and future electrical power demand

(a) IN GENERAL.—The Secretary of Transportation shall establish a program under which the Secretary shall—

(1) encourage the sponsor of each public-use airport to—

(A) conduct airport planning that assesses the airport’s—

(i) current and future electrical power requirements, including—

(I) heating and cooling;

(II) on-road airport vehicles, including ground support equipment;

(III) gate electrification; and

(IV) electric aircraft charging; and

(ii) existing electrical infrastructure condition, location and capacity, including base load and backup power, to meet the current and future electrical power demand as identified in this subparagraph; and

(B) conduct airport development to increase energy efficiency or meet future electrical power demands as identified in subparagraph (A); and

(2) reimburse the airport sponsor for the costs incurred in conducting the assessment under paragraph (1).

(b) GRANTS.—The Secretary may make grants from amounts made available under section 48103 to assist airport sponsors that have completed the assessment described in subsection (a)(1)—

(1) to acquire or construct equipment that will increase energy efficiency at the airport; and

(2) to pursue an airport development project described in subsection (a)(1)(B).

* * * * *

§ 47142. [Design-build contracting] Alternative project delivery

(a) IN GENERAL.—The [Administrator of the Federal Aviation Administration] Secretary of Transportation may approve an application of an airport sponsor under this section to authorize the airport sponsor to [award a design-build] award a covered project delivery contract using a selection process permitted under applicable State or local law if—

(1) the Administrator approves the application using criteria established by the Administrator;

(2) the [design-build] covered project delivery contract is in a form that is approved by the Administrator;

(3) the Administrator is satisfied that the contract will be executed pursuant to competitive procedures and contains a sche-

matic design adequate for the Administrator to approve the grant;

(4) use of a [design-build contract will] *covered project delivery contract is projected to be cost effective and expedite the project;*

(5) the Administrator is satisfied that there will be no conflict of interest; and

(6) the Administrator is satisfied that the selection process will be as open, fair, and objective as the competitive bid system and that at least 3 or more bids will be submitted for each project under the selection process.

(b) REIMBURSEMENT OF COSTS.—The Administrator may reimburse an airport sponsor for design and construction costs incurred before a grant is made pursuant to this section if the project is approved by the Administrator in advance and is carried out in accordance with all administrative and statutory requirements that would have been applicable under this chapter if the project were carried out after a grant agreement had been executed.

[(c) DESIGN-BUILD CONTRACT DEFINED.—In this section, the term “design-build contract” means an agreement that provides for both design and construction of a project by a contractor.]

(c) COVERED PROJECT DELIVERY CONTRACT DEFINED.—*In this section, the term “covered project delivery contract” means—*

(1) *an agreement that provides for both design and construction of a project by a contractor; or*

(2) *a single contract for the delivery of a whole project that—*

(A) *includes, at a minimum, the sponsor, builder, and architect-engineer as parties that are subject to the terms of the contract;*

(B) *aligns the interests of all the parties to the contract with respect to the project costs and project outcomes; and*

(C) *includes processes to ensure transparency and collaboration among all parties to the contract relating to project costs and project outcomes.*

§ 47143. Non-movement area surveillance surface display systems pilot program

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may carry out a pilot program to support non-Federal acquisition and installation of qualifying non-movement area surveillance surface display systems and sensors if—

(1) the Administrator determines that such systems and sensors would improve safety or capacity in the National Airspace System; and

(2) the non-movement area surveillance surface display systems and sensors supplement existing movement area systems and sensors at the selected airports established under other programs administered by the Administrator.

(b) PROJECT GRANTS.—

(1) IN GENERAL.—For purposes of carrying out the pilot program, the Administrator may make a project grant out of funds apportioned under paragraph (1) or paragraph (2) of section 47114(c) to not more than 5 eligible sponsors to acquire and install qualifying non-movement area surveillance surface display systems and sensors. The airports selected to participate

in the pilot program shall have existing Administration movement area systems and airlines that are participants in Federal Aviation Administration's airport collaborative decision-making process.

(2) DATA EXCHANGE PROCESSES.—As part of the pilot program carried out under this section, the Administrator may establish data exchange processes to allow airport participation in the Administration's airport collaborative decision-making process and fusion of the non-movement surveillance data with the Administration's movement area systems.

(c) SUNSET.—This section shall cease to be effective on October 1, ~~2023~~ 2028.

(d) DEFINITIONS.—In this section:

(1) NON-MOVEMENT AREA.—The term “non-movement area” means the portion of the airfield surface that is not under the control of air traffic control.

(2) NON-MOVEMENT AREA SURVEILLANCE SURFACE DISPLAY SYSTEMS AND SENSORS.—The term “non-movement area surveillance surface display systems and sensors” means a non-Federal surveillance system that uses on-airport sensors that track vehicles or aircraft that are equipped with transponders in the non-movement area.

(3) QUALIFYING NON-MOVEMENT AREA SURVEILLANCE SURFACE DISPLAY SYSTEM AND SENSORS.—The term “qualifying non-movement area surveillance surface display system and sensors” means a non-movement area surveillance surface display system that—

(A) provides the required transmit and receive data formats consistent with the National Airspace System architecture at the appropriate service delivery point;

(B) is on-airport; and

(C) is airport operated.

§ 47144. Use of funds for repairs for runway safety repairs

(a) IN GENERAL.—The Secretary of Transportation may make project grants under this subchapter to an airport described in subsection (b) from funds under section 47114 apportioned to that airport or funds available for discretionary grants to that airport under section 47115 to conduct airport development to repair the runway safety area of the airport damaged as a result of a natural disaster in order to maintain compliance with the regulations of the Federal Aviation Administration relating to runway safety areas, without regard to whether construction of the runway safety area damaged was carried out using amounts the airport received under this subchapter.

(b) AIRPORTS DESCRIBED.—An airport is described in this subsection if—

(1) the airport is a public-use airport;

(2) the airport is listed in the National Plan of Integrated Airport Systems of the Federal Aviation Administration;

(3) the runway safety area of the airport was damaged as a result of a natural disaster;

(4) the airport was denied funding under the Robert T. Stafford Disaster Relief and Emergency Assistance Act [(42 U.S.C.

4121 et seq.)】 (42 U.S.C. 5121 et seq.) with respect to the disaster;

(5) the operator of the airport has exhausted all legal remedies, including legal action against any parties (or insurers thereof) whose action or inaction may have contributed to the need for the repair of the runway safety area;

(6) there is still a demonstrated need for the runway safety area to accommodate current or imminent aeronautical demand; and

(7) the cost of repairing or replacing the runway safety area is reasonable in relation to the anticipated operational benefit of repairing the runway safety area, as determined by the Administrator of the Federal Aviation Administration.

SUBCHAPTER II—SURPLUS PROPERTY FOR PUBLIC AIRPORTS

§ 47151. Authority to transfer an interest in surplus property

(a) GENERAL AUTHORITY.—Subject to sections 47152 and 47153 of this title, a department, agency, or instrumentality of the executive branch of the United States Government or a wholly owned Government corporation may convey to a State, political subdivision of a State, or tax-supported organization any interest in surplus property—

(1) that the Secretary of Transportation decides is—

(A) desirable for developing, improving, operating, or maintaining a public airport (as defined in section 47102 of this title);

(B) reasonably necessary to fulfill the immediate and foreseeable future requirements for developing, improving, operating, or maintaining a public airport; or

(C) needed for developing sources of revenue from non-aviation businesses at a public airport; and

(2) if the Administrator of General Services approves the conveyance and decides the interest is not best suited for industrial use.

(b) ENSURING COMPLIANCE.—Only the Secretary may ensure compliance with an instrument conveying an interest in surplus property under this subchapter. The Secretary may amend the instrument to correct the instrument or to make the conveyance comply with law.

(c) DISPOSING OF INTERESTS NOT CONVEYED UNDER THIS SUBCHAPTER.—An interest in surplus property that could be used at a public airport but that is not conveyed under this subchapter shall be disposed of under other applicable law.

【(d) WAIVER OF CONDITION.—Before the Secretary may waive any condition imposed on an interest in surplus property conveyed under subsection (a) that such interest be used for an aeronautical purpose, the Secretary must provide notice to the public not less than 30 days before waiving such condition.】

(d) WAIVER OF CONDITION.—The Secretary may not waive any condition imposed on an interest in surplus property conveyed under subsection (a) that such interest be used for an aeronautical purpose unless the Secretary provides public notice not less than 30

days before the issuance of such waiver and determines that such waiver—

(1) will not significantly impair the aeronautical purpose of an airport;

(2) will not result in the permanent closure of an airport (unless the Secretary determines that the waiver will directly facilitate the construction of a replacement airport); or

(3) is necessary to protect or advance the civil aviation interests of the United States.

(e) REQUESTS BY PUBLIC AGENCIES.—Except with respect to a request made by another department, agency, or instrumentality of the executive branch of the United States Government, such a department, agency, or instrumentality shall give priority consideration to a request made by a public agency (as defined in section 47102) for surplus property described in subsection (a) for use at a public airport.

(f) REVERSIONS OF PROPERTY.—The Secretary shall take all necessary action to revert surplus property conveyed under this subchapter back to the United States if—

(1) the Secretary determines that an instrument conveying an interest in surplus property under this subchapter incorporates a provision providing for the reversion of such property in the event the property is not used for aeronautical purposes;

(2) other efforts by the Secretary to ensure that the property is used by the relevant airport sponsor is used for aeronautical purposes are unsuccessful; and

(3) the Secretary determines that a reversion—

(A) will result in the property being used for aeronautical purposes; or

(B) will not transfer liabilities, including environmental liabilities, greater than the fair market value of the property to the Government.

* * * * *

§ 47153. Waiving and adding terms

(a) GENERAL AUTHORITY.—(1) The Secretary of Transportation may waive, without charge, a term of a conveyance of an interest in property under this subchapter if the Secretary decides that—

(A) the property no longer serves the purpose for which it was conveyed; or

(B) the waiver will not prevent carrying out the purpose for which the conveyance was made and is necessary to advance the civil aviation interests of the United States.

(2) The Secretary of Transportation shall waive a term under paragraph (1) of this subsection on terms the Secretary considers necessary to protect or advance the civil aviation interests of the United States.

(b) WAIVERS AND INCLUSION OF ADDITIONAL TERMS ON REQUEST.—On request of the Secretary of Transportation or the Secretary of a military department, a department, agency, or instrumentality of the executive branch of the United States Government or a wholly owned Government corporation may waive a term required by section 47152 of this title or add another term if the appropriate Secretary decides it is necessary to protect or advance the

interests of the United States in civil aviation or for national defense.

[(c) PUBLIC NOTICE BEFORE WAIVER.—Notwithstanding subsections (a) and (b), before the Secretary may waive any term imposed under this section that an interest in land be used for an aeronautical purpose, the Secretary must provide notice to the public not less than 30 days before waiving such term.]

(c) RESTRICTIONS ON WAIVER.—*Notwithstanding subsections (a) and (b), the Secretary may not waive any term under this section that an interest in land be used for an aeronautical purpose unless—*

(1) *the Secretary provides public notice not less than 30 days before the issuance of a waiver; and*

(2) *the Secretary determines that such waiver—*

(A) *will not significantly impair the aeronautical purpose of an airport;*

(B) *will not result in the permanent closure of an airport (unless the Secretary determines that the waiver will directly facilitate the construction of a replacement airport); or*

(C) *is necessary to protect or advance the civil aviation interests of the United States.*

SUBCHAPTER III—AVIATION DEVELOPMENT STREAMLINING

§ 47171. Expedited, coordinated environmental review process

(a) AVIATION PROJECT REVIEW PROCESS.—The [Secretary of Transportation] *Administrator of the Federal Aviation Administration* shall [develop and] implement an expedited and coordinated environmental review process for airport capacity enhancement [projects at congested airports, general aviation airport construction or improvement projects, aviation safety projects, and aviation security projects] *projects, terminal development projects, general aviation airport construction or improvement projects, and aviation safety projects* that—

(1) provides for [better] *streamlined* coordination among the Federal, regional, State, and local agencies concerned with the preparation of environmental impact statements or environmental assessments under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) provides that all environmental reviews, analyses, opinions, permits, licenses, and approvals that must be issued or made by a Federal agency or airport sponsor for such a project will be conducted concurrently, to the maximum extent practicable; and

(3) provides that any environmental review, analysis, opinion, permit, license, or approval that must be issued or made by a Federal agency or airport sponsor for such a project will be completed within a time period established by the [Secretary] *Administrator*, in cooperation with the agencies identified under subsection (d) with respect to the project.

[(b) AVIATION PROJECTS SUBJECT TO A STREAMLINED ENVIRONMENTAL REVIEW PROCESS.—

[(1) AIRPORT CAPACITY ENHANCEMENT PROJECTS AT CONGESTED AIRPORTS.—An airport capacity enhancement project at a congested airport shall be subject to the coordinated and expedited environmental review process requirements set forth in this section.]

[(2) GENERAL AVIATION AIRPORT CONSTRUCTION OR IMPROVEMENT PROJECT.—A general aviation airport construction or improvement project shall be subject to the coordinated and expedited environmental review process requirements set forth in this section.]

[(3) AVIATION SAFETY AND AVIATION SECURITY PROJECTS.—

[(A) IN GENERAL.—The Administrator of the Federal Aviation Administration may designate an aviation safety project or aviation security project for priority environmental review. The Administrator may not delegate this designation authority. A designated project shall be subject to the coordinated and expedited environmental review process requirements set forth in this section.]

[(B) PROJECT DESIGNATION CRITERIA.—The Administrator shall establish guidelines for the designation of an aviation safety project or aviation security project for priority environmental review. Such guidelines shall provide for consideration of—

[(i) the importance or urgency of the project;

[(ii) the potential for undertaking the environmental review under existing emergency procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

[(iii) the need for cooperation and concurrent reviews by other Federal or State agencies;

[(iv) the prospect for undue delay if the project is not designated for priority review; and

[(v) for aviation security projects, the views of the Department of Homeland Security.]

(b) AVIATION PROJECTS SUBJECT TO A STREAMLINED ENVIRONMENTAL REVIEW PROCESS.—

(1) IN GENERAL.—Any airport capacity enhancement project, terminal development project, or general aviation airport construction or improvement project shall be subject to the coordinated and expedited environmental review process requirements set forth in this section.

(2) PROJECT DESIGNATION CRITERIA.—

(A) IN GENERAL.—The Administrator may designate an aviation safety project for priority environmental review. A designated project shall be subject to the coordinated and expedited environmental review process requirements set forth in this section.

(B) PROJECT DESIGNATION CRITERIA.—The Administrator shall establish guidelines for the designation of an aviation safety project or aviation security project for priority environmental review. Such guidelines shall provide for consideration of—

(i) the importance or urgency of the project;

(ii) the potential for undertaking the environmental review under existing emergency procedures under the

National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(iii) the need for cooperation and concurrent reviews by other Federal or State agencies; and

(iv) the prospect for undue delay if the project is not designated for priority review.

(c) HIGH PRIORITY OF AND AGENCY PARTICIPATION IN COORDINATED REVIEWS.—

(1) HIGH PRIORITY FOR ENVIRONMENTAL REVIEWS.—Each Federal agency with jurisdiction over an environmental review, analysis, opinion, permit, license, or approval shall accord any such review, analysis, opinion, permit, license, or approval involving **[an airport capacity enhancement project at a congested airport or a project designated under subsection (b)(3)]** *a project described or designated under subsection (b)* the highest possible priority and conduct the review, analysis, opinion, permit, license, or approval expeditiously.

(2) AGENCY PARTICIPATION.—Each Federal agency described in subsection (d) shall formulate and implement administrative, policy, and procedural mechanisms to enable the agency to participate in the coordinated environmental review process under this section and to ensure completion of environmental reviews, analyses, opinions, permits, licenses, and approvals described in subsection (a) in a timely and environmentally responsible manner.

(d) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to **[each airport capacity enhancement project at a congested airport or a project designated under subsection (b)(3)]** *a project described or designated under subsection (b)*, the **[Secretary]** *Administrator* shall identify, as soon as practicable, all Federal and State agencies that may have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project.

(e) STATE AUTHORITY.—Under a coordinated review process being implemented under this section by the **[Secretary]** *Administrator* with respect to a project at an airport within the boundaries of a State, the Governor of the State, consistent with State law, may choose to participate in such process and provide that all State agencies that have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project, be subject to the process.

(f) MEMORANDUM OF UNDERSTANDING.—The coordinated review process developed under this section may be incorporated into a memorandum of understanding for a project between the **[Secretary]** *Administrator* and the heads of other Federal and State agencies identified under subsection (d) with respect to the project and, if applicable, the airport sponsor.

(g) USE OF INTERAGENCY ENVIRONMENTAL IMPACT STATEMENT TEAMS.—

(1) IN GENERAL.—The **[Secretary]** *Administrator* may utilize an interagency environmental impact statement team to expe-

dite and coordinate the coordinated environmental review process for a project under this section. When utilizing an interagency environmental impact statement team, the **【Secretary Administrator** shall invite Federal, State and Tribal agencies with jurisdiction by law, and may invite such agencies with special expertise, to participate on an interagency environmental impact statement team.

(2) **RESPONSIBILITY OF INTERAGENCY ENVIRONMENTAL IMPACT STATEMENT TEAM.**—Under a coordinated environmental review process being implemented under this section, the interagency environmental impact statement team shall assist the Federal Aviation Administration in the preparation of the environmental impact statement. To facilitate timely and efficient environmental review, the team shall agree on agency or Tribal points of contact, protocols for communication among agencies, and deadlines for necessary actions by each individual agency (including the review of environmental analyses, the conduct of required consultation and coordination, and the issuance of environmental opinions, licenses, permits, and approvals). The members of the team may formalize their agreement in a written memorandum.

(h) **LEAD AGENCY RESPONSIBILITY.**—The Federal Aviation Administration shall be the lead agency for projects **【designated under subsection (b)(3) and airport capacity enhancement projects at congested airports】** *described in subsection (b)(1)* and shall be responsible for defining the scope and content of the environmental impact statement, consistent with regulations issued by the Council on Environmental Quality. Any other Federal agency or State agency that is participating in a coordinated environmental review process under this section shall give substantial deference, to the extent consistent with applicable law and policy, to the aviation expertise of the Federal Aviation Administration.

(i) **EFFECT OF FAILURE TO MEET DEADLINE.**—

(1) **NOTIFICATION OF CONGRESS AND CEQ.**— If the **【Secretary Administrator** determines that a Federal agency, State agency, or airport sponsor that is participating in a coordinated review process under this section with respect to a project has not met a deadline established under subsection (a)(3) for the project, the **【Secretary Administrator** shall notify, within 30 days of the date of such determination, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, the Council on Environmental Quality, and the agency or sponsor involved about the failure to meet the deadline.

(2) **AGENCY REPORT.**—Not later than 30 days after date of receipt of a notice under paragraph (1), the agency or sponsor involved shall submit a report to the **【Secretary Administrator**, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Council on Environmental Quality explaining why the agency or sponsor did not meet the deadline and what actions it intends to take to complete or issue the required review, analysis, opinion, permit, license, or approval.

(j) **PURPOSE AND NEED.**—**【For any】**

(1) *IN GENERAL.*—For any environmental review, analysis, opinion, permit, license, or approval that must be issued or made by a Federal or State agency that is participating in a coordinated review process under this section and that requires an analysis of purpose and need for the project, the agency, notwithstanding any other provision of law, shall be bound by the project purpose and need as defined by the **【Secretary】 Administrator**.

(2) *DEADLINE.*—The Administrator shall define the purpose and need of a project not later than 45 days after receipt of a draft purpose and need statement (or revision thereof that materially affects a statement previously prepared or accepted by the Administrator) from an airport sponsor. The Administrator shall provide airport sponsors with appropriate guidance to implement any applicable requirements.

(k) *ALTERNATIVES ANALYSIS.*—The **【Secretary】 Administrator** shall determine the reasonable alternatives to **【an airport capacity enhancement project at a congested airport or a project designated under subsection (b)(3)】 a project described or designated under subsection (b)**. Any other Federal agency, or State agency that is participating in a coordinated review process under this section with respect to the **【project shall consider】 project shall—**

(1) consider only those alternatives to the project that the **【Secretary】 Administrator** has determined are reasonable**【.】**; and

(2) limit the comments of the agency to—

(A) subject matter areas within the special expertise of the agency; and

(B) changes necessary to ensure the agency is carrying out the obligations of that agency under the National Environmental Policy Act of 1969 and other applicable law.

(l) *SOLICITATION AND CONSIDERATION OF COMMENTS.*—In applying subsections (j) and (k), the **【Secretary】 Administrator** shall solicit and consider comments from interested persons and governmental entities in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)**【.】** and section 1503 of title 40, Code of Federal Regulations.

【(m) MONITORING BY TASK FORCE.—The Transportation Infrastructure Streamlining Task Force, established by Executive Order 13274 (67 Fed. Reg. 59449; relating to environmental stewardship and transportation infrastructure project reviews), may monitor airport projects that are subject to the coordinated review process under this section.**】**

(m) COORDINATION AND SCHEDULE.—

(1) *COORDINATION PLAN.*—

(A) *IN GENERAL.*—Not later than 90 days after the date of publication of a notice of intent to prepare an environmental impact statement or the initiation of an environmental assessment, the Administrator of the Federal Aviation Administration shall establish a plan for coordinating public and agency participation in and comment on the environmental review process for a project described or designated under subsection (b). The coordination plan may be incorporated into a memorandum of understanding.

(B) *SCHEDULE.*—

(i) *IN GENERAL.*—The Administration shall establish as part of such coordination plan, after consultation with and the concurrence of each participating agency for the project and with the State in which the project is located (and, if the State is not the project sponsor, with the project sponsor), a schedule for—

(I) interim milestones and deadlines for agency activities necessary to complete the environmental review; and

(II) completion of the environmental review process for the project.

(ii) *FACTORS FOR CONSIDERATION.*—In establishing the schedule under clause (i), the Administration shall consider factors such as—

(I) the responsibilities of participating agencies under applicable laws;

(II) resources available to the cooperating agencies;

(III) overall size and complexity of the project;

(IV) the overall time required by an agency to conduct an environmental review and make decisions under applicable Federal law relating to a project (including the issuance or denial of a permit or license) and the cost of the project; and

(V) the sensitivity of the natural and historic resources that could be affected by the project.

(iii) *MAXIMUM PROJECT SCHEDULE.*—To the maximum extent practicable and consistent with applicable Federal law, the Administrator shall develop, in concurrence with the project sponsor, a maximum schedule for the project described or designated under subsection (b) that is not more than 2 years for the completion of the environmental review process for such projects, as measured from, as applicable the date of publication of a notice of intent to prepare an environmental impact statement to the record of decision.

(iv) *DISPUTE RESOLUTION.*—

(I) *IN GENERAL.*—Any issue or dispute that arises between the Administrator and participating agencies (or amongst participating agencies) during the environmental review process will be addressed expeditiously to avoid delay.

(II) *RESPONSIBILITIES.*—The Administrator and participating agencies shall—

(aa) implement the requirements of this section consistent with any dispute resolution process established in an applicable law, regulation, or legally binding agreement to the maximum extent permitted by law; and

(bb) seek to resolve issues or disputes at the earliest possible time at the project level through agency employees who have day-to-day involvement in the project.

(III) *ELEVATION FOR MISSED MILESTONE.*—If a dispute between the Administrator and partici-

pating agencies (or amongst participating agencies) causes a milestone to be missed or extended, or the Administrator anticipates that a permitting timetable milestone will be missed or will need to be extended, then the dispute shall be elevated to an official designated by the relevant agency for resolution. Such elevation should take place as soon as practicable after the Administrator becomes aware of the dispute or potential missed milestone.

(IV) EXCEPTION.—Disputes that do not impact the ability of an agency to meet a milestone may be elevated as appropriate.

(V) FURTHER EVALUATION.—Once a dispute has been elevated to the designated official, if no resolution has been reached at the end of 30 days after the relevant milestone date or extension date, then the relevant agencies shall elevate the dispute to senior agency leadership for resolution.

(C) CONSISTENCY WITH OTHER TIME PERIODS.—A schedule under subparagraph (B) shall be consistent with any other relevant time periods established under Federal law.

(D) MODIFICATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Administrator may lengthen or shorten a schedule established under subparagraph (B) for good cause. A decision by a project sponsor to change, modify, expand, or reduce the scope of a project may be considered as good cause for lengthening or shortening of such schedule as appropriate and based on the nature and extent of the proposed project adjustment.

(ii) LIMITATIONS.—

(I) LENGTHENED SCHEDULE.—The Administrator may lengthen a schedule under clause (i) for a cooperating Federal agency by not more than 1 year after the latest deadline established for the project described or designated under subsection (b) by the Administration.

(II) SHORTENED SCHEDULE.—The Administrator may not shorten a schedule under clause (i) if doing so would impair the ability of a cooperating Federal agency to conduct necessary analyses or otherwise carry out relevant obligations of the Federal agency for the project.

(E) FAILURE TO MEET DEADLINE.—If a cooperating Federal agency fails to meet a deadline established under subparagraph (D)(ii)(I)—

(i) the cooperating Federal agency shall, not later than 10 days after meeting the deadline, submit to the Administrator a report that describes the reasons why the deadline was not met; and

(ii) the Secretary shall—

(I) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and

Transportation of the Senate a copy of the report under clause (i); and

(II) make the report under clause (i) publicly available on the website of the agency.

(F) DISSEMINATION.—A copy of a schedule under subparagraph (B), and of any modifications to the schedule, shall be—

(i) provided to all participating agencies and to the State transportation department of the State in which the project is located (and, if the State is not the project sponsor, to the project sponsor); and

(ii) made available to the public.

(2) COMMENT DEADLINES.—The Administrator shall establish the following deadlines for comment during the environmental review process for a project:

(A) For comments by agencies and the public on a draft environmental impact statement, a period of not more than 60 days after publication in the Federal Register of notice of the date of public availability of such statement, unless—

(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

(ii) the deadline is extended by the lead agency for good cause.

(B) For all other comment periods established by the lead agency for agency or public comments in the environmental review process, a period of no more than 30 days from availability of the materials on which comment is requested, unless—

(i) a different deadline is established by agreement of the Administrator, the project sponsor, and all participating agencies; or

(ii) the deadline is extended by the lead agency for good cause.

(3) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—In any case in which a decision under any Federal law relating to a project described or designated under subsection (b) (including the issuance or denial of a permit or license) is required to be made by the later of the date that is 180 days after the date on which the Administrator made all final decisions of the lead agency with respect to the project, or 180 days after the date on which an application was submitted for the permit or license, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and publish on the website of the Administration—

(A) as soon as practicable after the 180-day period, an initial notice of the failure of the Federal agency to make the decision; and

(B) every 60 days thereafter until such date as all decisions of the Federal agency relating to the project have been made by the Federal agency, an additional notice that describes the number of decisions of the Federal agency that remain outstanding as of the date of the additional notice.

- (4) *INVOLVEMENT OF THE PUBLIC.*—Nothing in this subsection shall reduce any time period provided for public comment in the environmental review process under existing Federal law, including a regulation.
- (n) *CONCURRENT REVIEWS AND SINGLE NEPA DOCUMENT.*—
- (1) *CONCURRENT REVIEWS.*—Each participating agency and cooperating agency under the expedited and coordinated environmental review process established under this section shall—
- (A) carry out the obligations of that agency under other applicable law concurrently, and in conjunction, with the review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), unless doing so would impair the ability of the Federal agency to conduct needed analysis or otherwise carry out such obligations; and
- (B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.
- (2) *SINGLE NEPA DOCUMENT.*—
- (A) *IN GENERAL.*—Except as inconsistent with subsection (a), to the maximum extent practicable and consistent with Federal law, all Federal permits and reviews for a project shall rely on a single environment document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) under the leadership of the Administrator of the Federal Aviation Administration.
- (B) *USE OF DOCUMENT.*—
- (i) *IN GENERAL.*—To the maximum extent practicable, the Administrator shall develop an environmental document sufficient to satisfy the requirements for any Federal approval or other Federal action required for the project, including permits issued by other Federal agencies.
- (ii) *COOPERATION OF PARTICIPATING AGENCIES.*—Other participating agencies shall cooperate with the lead agency and provide timely information to help the lead agency carry out this subparagraph.
- (C) *TREATMENT AS PARTICIPATING AND COOPERATING AGENCIES.*—A Federal agency required to make an approval or take an action for a project, as described in this paragraph, shall work with the Administration for the project to ensure that the agency making the approval or taking the action is treated as being both a participating and cooperating agency for the project.
- (3) *PARTICIPATING AGENCY RESPONSIBILITIES.*—An agency participating in the expedited and coordinated environmental review process under this section shall—
- (A) provide comments, responses, studies, or methodologies on those areas within the special expertise or jurisdiction of the agency; and
- (B) use the process to address any environmental issues of concern to the agency.
- (o) *ENVIRONMENTAL IMPACT STATEMENT.*—
- (1) *IN GENERAL.*—In preparing a final environmental impact statement under the National Environmental Policy Act of 1969

(42 U.S.C. 4321 et seq.) for a project described or designated under subsection (b), if the Administrator modifies the statement in response to comments that are minor and are confined to factual corrections or explanations of why the comments do not warrant additional agency response, the Administrator may write on errata sheets attached to the statement instead of rewriting the draft statement, subject to the condition that the errata sheets—

(A) cite the sources, authorities, and reasons that support the position of the agency; and

(B) if appropriate, indicate the circumstances that would trigger agency reappraisal or further response.

(2) *SINGLE DOCUMENT.*—To the maximum extent practicable, for a project subject to a coordinated review process under this section, the Administrator shall expeditiously develop a single document that consists of a final environmental impact statement and a record of decision, unless—

(A) the final environmental impact statement or record of decision makes substantial changes to the project that are relevant to environmental or safety concerns; or

(B) there is a significant new circumstance or information relevant to environmental concerns that bears on the proposed action or the environmental impacts of the proposed action.

(3) *LENGTH OF ENVIRONMENTAL DOCUMENT.*—

(A) *IN GENERAL.*—Except as provided in subparagraph (B), an environmental impact statement shall not exceed 150 pages, not including any citations or appendices.

(B) *EXTRAORDINARY COMPLEXITY.*—An environmental impact statement for a proposed agency action of extraordinary complexity shall not exceed 300 pages, not including any citations or appendices.

(p) *INTEGRATION OF PLANNING AND ENVIRONMENTAL REVIEW.*—

(1) *IN GENERAL.*—Subject to paragraph (5) and to the maximum extent practicable and appropriate, the following agencies may adopt or incorporate by reference, and use a planning product in proceedings relating to, any class of action in the environmental review process of a project described or designated under subsection (b):

(A) The lead agency for a project, with respect to an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) A cooperating agency with responsibility under Federal law with respect to the process for and completion of any environmental permit, approval, review, or study required for a project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if consistent with that law.

(2) *IDENTIFICATION.*—If the relevant agency makes a determination to adopt or incorporate by reference and use a planning product under paragraph (1), such agency shall identify the agencies that participated in the development of the planning products.

(3) *ADOPTION OR INCORPORATION BY REFERENCE OF PLANNING PRODUCTS.*—*The relevant agency may—*

(A) *adopt or incorporate by reference an entire planning product under paragraph (1); or*

(B) *select portions of a planning project under paragraph (1) for adoption or incorporation by reference.*

(4) *TIMING.*—*The adoption or incorporation by reference of a planning product under paragraph (1) may—*

(A) *be made at the time the relevant agencies decide the appropriate scope of environmental review for the project; or*

(B) *occur later in the environmental review process, as appropriate.*

(5) *CONDITIONS.*—*The relevant agency in the environmental review process may adopt or incorporate by reference a planning product under this section if the relevant agency determines, with the concurrence of the lead agency and, if the planning product is necessary for a cooperating agency to issue a permit, review, or approval for the project, with the concurrence of the cooperating agency, that the following conditions have been met:*

(A) *The planning product was developed through a planning process conducted pursuant to applicable Federal law.*

(B) *The planning product was developed in consultation with appropriate Federal and State resource agencies and Indian Tribes.*

(C) *The planning process included broad multidisciplinary consideration of systems-level or corridor-wide transportation needs and potential effects, including effects on the human and natural environment.*

(D) *The planning process included public notice that the planning products produced in the planning process may be adopted during any subsequent environmental review process in accordance with this section.*

(E) *During the environmental review process, the relevant agency has—*

(i) *made the planning documents available for public review and comment by members of the general public and Federal, State, local, and Tribal governments that may have an interest in the proposed project;*

(ii) *provided notice of the intention of the relevant agency to adopt or incorporate by reference the planning product; and*

(iii) *considered any resulting comments.*

(F) *There is no significant new information or new circumstance that has a reasonable likelihood of affecting the continued validity or appropriateness of the planning product or portions thereof.*

(G) *The planning product has a rational basis and is based on reliable and reasonably current data and reasonable and scientifically acceptable methodologies.*

(H) *The planning product is documented in sufficient detail to support the decision or the results of the analysis and to meet requirements for use of the information in the environmental review process.*

(I) *The planning product is appropriate for adoption or incorporation by reference and use in the environmental review process for the project and is incorporated in accordance with, and is sufficient to meet the requirements of, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section 1502.21 of title 40, Code of Federal Regulations.*

(6) **EFFECT OF ADOPTION OR INCORPORATION BY REFERENCE.**—*Any planning product or portions thereof adopted or incorporated by reference by the relevant agency in accordance with this subsection may be—*

(A) *incorporated directly into an environmental review process document or other environmental document; and*

(B) *relied on and used by other Federal agencies in carrying out reviews of the project.*

(q) **REPORT ON NEPA DATA.**—

(1) **IN GENERAL.**—*The Administrator of the Federal Aviation Administration shall carry out a process to track, and annually submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on projects described in subsection (b)(1) that contains the information described in paragraph (3).*

(2) **TIME TO COMPLETE.**—*For purposes of paragraph (3), the NEPA process—*

(A) *for an environmental impact statement—*

(i) *begins on the date on which a notice of intent is published in the Federal Register; and*

(ii) *ends on the date on which the Administrator issues a record of decision, including, if necessary, a revised record of decision; and*

(B) *for an environmental assessment—*

(i) *begins on the date on which the Administrator makes a determination to prepare an environmental assessment; and*

(ii) *ends on the date on which the Administrator issues a finding of no significant impact or determines that preparation of an environmental impact statement is necessary.*

(3) **INFORMATION DESCRIBED.**—*The information referred to in paragraph (1) is, with respect to the Federal Aviation Administration—*

(A) *the number of proposed actions for which a categorical exclusion was applied by the Administration during the reporting period;*

(B) *the number of proposed actions for which a documented categorical exclusion was applied by the Administration during the reporting period;*

(C) *the number of proposed actions pending on the date on which the report is submitted for which the issuance of a documented categorical exclusion by the Administration is pending;*

(D) *the number of proposed actions for which an environmental assessment was issued by the Administration during the reporting period;*

(E) the length of time the Administration took to complete each environmental assessment described in subparagraph (D);

(F) the number of proposed actions pending on the date on which the report is submitted for which an environmental assessment is being drafted by the Administration;

(G) the number of proposed actions for which a final environmental impact statement was completed by the Administration during the reporting period;

(H) the length of time that the Administration took to complete each environmental impact statement described in subparagraph (G);

(I) the number of proposed actions pending on the date on which the report is submitted for which an environmental impact statement is being drafted; and

(J) for the proposed actions reported under subparagraphs (F) and (I), the percentage of those proposed actions for which—

(i) project funding has been identified; and

(ii) all other Federal, State, and local activities that are required to allow the proposed action to proceed are completed.

(4) DEFINITIONS.—In this section:

(A) ENVIRONMENTAL ASSESSMENT.—The term “environmental assessment” has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

(B) ENVIRONMENTAL IMPACT STATEMENT.—The term “environmental impact statement” means a detailed statement required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(C) NEPA PROCESS.—The term “NEPA process” means the entirety of the development and documentation of the analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including the assessment and analysis of any impacts, alternatives, and mitigation of a proposed action, and any interagency participation and public involvement required to be carried out before the Administrator undertakes a proposed action.

(D) PROPOSED ACTION.—The term “proposed action” means an action (within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)) under this title that the Administrator proposes to carry out.

(E) REPORTING PERIOD.—The term “reporting period” means the fiscal year prior to the fiscal year in which a report is issued under subsection (a).

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§ 47175. Definitions

In this subchapter, the following definitions apply:

[(3)] (1) AIRPORT CAPACITY ENHANCEMENT PROJECT.—The term “airport capacity enhancement project” means—

(A) a project for construction or extension of a runway, including any land acquisition, taxiway, or safety area associated with the runway or runway extension; **[and]** or

(B) such other airport development projects as the Secretary may designate as facilitating a reduction in air traffic congestion and delays.

[(1)] (2) AIRPORT SPONSOR.—The term “airport sponsor” has the meaning given the term “sponsor” under section 47102.

[(4)] (3) AVIATION SAFETY PROJECT.—The term “aviation safety project” means an aviation project that—

(A) has as its primary purpose reducing the risk of injury to persons or damage to aircraft and property, as determined by the Administrator; **[and]**

[(i)] (B) is needed to respond to a recommendation from the National Transportation Safety Board, as determined by the Administrator; or

[(ii)] (C) is necessary for an airport to comply with part 139 of title 14, Code of Federal Regulations (relating to airport certification).

[(2)] (4) CONGESTED AIRPORT.—The term “congested airport” means an airport that accounted for at least 1 percent of all delayed aircraft operations in the United States in the most recent year for which such data is available and an airport listed in table 1 of the Federal Aviation Administration’s Airport Capacity Benchmark Report 2004 or any successor report.

[(5)] AVIATION SECURITY PROJECT.—The term “aviation security project” means a security project at an airport required by the Department of Homeland Security.]

[(6)] (5) FEDERAL AGENCY.—The term “Federal agency” means a department or agency of the United States Government.

[(8)] (6) GENERAL AVIATION AIRPORT CONSTRUCTION OR IMPROVEMENT PROJECT.—The term “general aviation airport construction or improvement project” means—

(A) a project for the construction or extension of a runway, including any land acquisition, helipad, taxiway, safety area, apron, or navigational aids associated with the runway or runway extension, at a general aviation airport, a reliever airport, or a commercial service airport that is not a primary airport (as such terms are defined in section 47102); and

(B) any other airport development project that the Secretary designates as facilitating aviation capacity building projects at a general aviation airport.

(7) **JOINT USE AIRPORT.**—The term “joint use airport” means an airport owned by the Department of Defense, at which both military and civilian aircraft make shared use of the airfield.

(8) **TERMINAL DEVELOPMENT.**—The term “terminal development” has the same meaning given such term in section 47102.

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CHAPTER 473—INTERNATIONAL AIRPORT FACILITIES

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【§ 47306. Criminal penalty

【A person that knowingly and willfully violates a regulation prescribed by the Secretary of Transportation to carry out this chapter shall be fined under title 18, imprisoned for not more than 6 months, or both.】

PART C—FINANCING

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**CHAPTER 481—AIRPORT AND AIRWAY TRUST FUND
AUTHORIZATIONS**

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§ 48101. Air navigation facilities and equipment

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—Not more than a total of the following amounts may be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to acquire, establish, and improve air navigation facilities under section 44502(a)(1)(A) of this title:

- 【(1) \$3,330,000,000 for fiscal year 2018.
- 【(2) \$3,398,000,000 for fiscal year 2019.
- 【(3) \$3,469,000,000 for fiscal year 2020.
- 【(4) \$3,547,000,000 for fiscal year 2021.
- 【(5) \$3,624,000,000 for fiscal year 2022.】
- 【(6)】 (1) \$3,701,000,000 for fiscal year 2023.
- (2) \$3,375,000,000 for fiscal year 2024.
- (3) \$3,425,000,000 for fiscal year 2025.
- (4) \$3,475,000,000 for fiscal year 2026.
- (5) \$3,475,000,000 for fiscal year 2027.
- (6) \$3,475,000,000 for fiscal year 2028.

(b) AVAILABILITY OF AMOUNTS.—Amounts appropriated under this section remain available until expended.

(c) AUTHORIZED EXPENDITURES.—Of the amounts appropriated under subsection (a), such sums as may be necessary may be used for the following:

- (1) The implementation and use of upgrades to the current automated surface observation system/automated weather observing system, if the upgrade is successfully demonstrated.
- (2) The acquisition and construction of remote towers (as defined in section 161 of the FAA Reauthorization Act of 2018).
- (3) The remediation and elimination of identified cybersecurity vulnerabilities in the air traffic control system.
- (4) The construction of facilities dedicated to improving the cybersecurity of the National Airspace System.
- (5) Systems associated with the Data Communications program.
- (6) The infrastructure, sustainment, and the elimination of the deferred maintenance backlog of air navigation facilities and other facilities for which the Federal Aviation Administration is responsible.
- (7) The modernization and digitization of the Civil Aviation Registry.

(8) The construction of necessary Priority 1 National Air-space System facilities.

(9) Cost-beneficial construction, rehabilitation, or retrofiting programs designed to reduce Federal Aviation Administration facility operating costs.

(d) LIFE-CYCLE COST ESTIMATES.—The Administrator of the Federal Aviation Administration shall establish life-cycle cost estimates for any air traffic control modernization project the total life-cycle costs of which equal or exceed \$50,000,000.

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§ 48103. Airport planning and development and noise compatibility planning and programs

(a) IN GENERAL.—There shall be available to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 to make grants for airport planning and airport development under section 47104, airport noise compatibility planning under section 47505(a)(2), and carrying out noise compatibility programs under section 47504(c)—

- (1) \$3,350,000,000 for fiscal year 2018;
- (2) \$3,350,000,000 for fiscal year 2019;
- (3) \$3,350,000,000 for fiscal year 2020;
- (4) \$3,350,000,000 for fiscal year 2021;
- (5) \$3,350,000,000 for fiscal year 2022; [and]
- (6) \$3,350,000,000 for fiscal year 2023[.];
- (7) \$4,000,000,000 for fiscal year 2024;
- (8) \$4,000,000,000 for fiscal year 2025;
- (9) \$4,000,000,000 for fiscal year 2026;
- (10) \$4,000,000,000 for fiscal year 2027; and
- (11) \$4,000,000,000 for fiscal year 2028.

(b) AVAILABILITY OF AMOUNTS.—Amounts made available under subsection (a) shall remain available until expended.

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§ 48105. Weather reporting services

To sustain the aviation weather reporting programs of the Federal Aviation Administration, the Secretary of Transportation may expend from amounts available under section 48104 of this title not more than the following amounts:

- (1) for the fiscal year ending September 30, 1993, \$35,596,000.
- (2) for the fiscal year ending September 30, 1994, \$37,800,000.
- (3) for the fiscal year ending September 30, 1995, \$39,000,000.
- (4) \$39,000,000 for each of fiscal years 2019 through 2023.
- (5) \$45,000,000 for each of fiscal years 2024 through 2026.
- (6) \$50,000,000 for each of fiscal years 2027 and 2028.

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PART D—PUBLIC AIRPORTS

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CHAPTER 491—METROPOLITAN WASHINGTON AIRPORTS

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§ 49106. Metropolitan Washington Airports Authority

(a) STATUS.—The Metropolitan Washington Airports Authority shall be—

(1) a public body corporate and politic with the powers and jurisdiction—

(A) conferred upon it jointly by the legislative authority of Virginia and the District of Columbia or by either of them and concurred in by the legislative authority of the other jurisdiction; and

(B) that at least meet the specifications of this section [and section 49108 of this title];

(2) independent of Virginia and its local governments, the District of Columbia, and the United States Government; and

(3) a political subdivision constituted only to operate and improve the Metropolitan Washington Airports as primary airports serving the Metropolitan Washington area.

(b) GENERAL AUTHORITY.—(1) The Airports Authority shall be authorized—

(A) to acquire, maintain, improve, operate, protect, and promote the Metropolitan Washington Airports for public purposes;

(B) to issue bonds from time to time in its discretion for public purposes, including paying any part of the cost of airport improvements, construction, and rehabilitation and the acquisition of real and personal property, including operating equipment for the airports;

(C) to acquire real and personal property by purchase, lease, transfer, or exchange;

(D) to exercise the powers of eminent domain in Virginia that are conferred on it by Virginia;

(E) to levy fees or other charges; and

(F) to make and maintain agreements with employee organizations to the extent that the Federal Aviation Administration was authorized to do so on October 18, 1986.

(2) Bonds issued under paragraph (1)(B) of this subsection—

(A) are not a debt of Virginia, the District of Columbia, or a political subdivision of Virginia or the District of Columbia; and

(B) may be secured by the Airports Authority's revenues generally, or exclusively from the income and revenues of certain designated projects whether or not any part of the projects are financed from the proceeds of the bonds.

(c) BOARD OF DIRECTORS.—(1) The Airports Authority shall be governed by a board of directors composed of the following 17 members:

(A) 7 members appointed by the Governor of Virginia;

(B) 4 members appointed by the Mayor of the District of Columbia;

(C) 3 members appointed by the Governor of Maryland; and

(D) 3 members appointed by the President with the advice and consent of the Senate.

(2) The chairman of the board shall be appointed from among the members by majority vote of the members and shall serve until replaced by majority vote of the members.

(3) Members of the board shall be appointed to the board for 6 years, except that of the members first appointed by the President after October 9, 1996, one shall be appointed for 4 years. Any member of the board shall be eligible for reappointment for 1 additional term. A member shall not serve after the expiration of the member's term(s).

(4) A member of the board—

(A) may not hold elective or appointive political office;

(B) serves without compensation except for reasonable expenses incident to board functions; and

(C) must reside within the Washington Standard Metropolitan Statistical Area, except that a member of the board appointed by the President must be a registered voter of a State other than Maryland, Virginia, or the District of Columbia.

(5) A vacancy in the board shall be filled in the manner in which the original appointment was made. A member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

(6)(A) Not more than 2 of the members of the board appointed by the President may be of the same political party.

(B) In carrying out their duties on the board, members appointed by the President shall ensure that adequate consideration is given to the national interest.

(C) A member appointed by the President may be removed by the President for cause. A member appointed by the Mayor of the District of Columbia, the Governor of Maryland or the Governor of Virginia may be removed or suspended from office only for cause and in accordance with the laws of *the* jurisdiction from which the member is appointed.

(7) Ten votes are required to approve bond issues and the annual budget.

(d) CONFLICTS OF INTEREST.—Members of the board and their immediate families may not be employed by or otherwise hold a substantial financial interest in any enterprise that has or is seeking a contract or agreement with the Airports Authority or is an aeronautical, aviation services, or airport services enterprise that otherwise has interests that can be directly affected by the Airports Authority. The official appointing a member may make an exception if the financial interest is completely disclosed when the member is appointed and the member does not participate in board decisions that directly affect the interest.

(e) CERTAIN ACTIONS TO BE TAKEN BY REGULATION.—An action of the Airports Authority changing, or having the effect of changing, the hours of operation of, or the type of aircraft serving, either of the Metropolitan Washington Airports may be taken only by regulation of the Airports Authority.

(f) ADMINISTRATIVE.—To assist the Secretary in carrying out this chapter, the Secretary may hire 2 staff individuals to be paid by the Airports Authority. The Airports Authority shall provide clerical and support staff that the Secretary may require.

(g) REVIEW OF CONTRACTING PROCEDURES.—The Comptroller General shall review contracts of the Airports Authority to decide whether the contracts were awarded by procedures that follow sound Government contracting principles and comply with section 49104(a)(4) of this title. The Comptroller General shall submit periodic reports of the conclusions reached as a result of the review to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

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§ 49112. Separability and effect of judicial order

(a) SEPARABILITY.—If any provision of this chapter, or the application of a provision of this chapter to a person or circumstance, is held invalid, the remainder of this chapter and the application of the provision to other persons or circumstances is not affected.

(b) EFFECT OF JUDICIAL ORDER.—**[(1) If any provision of the Metropolitan Washington Airports Amendments Act of 1996 (title IX of Public Law 104–264; 110 Stat. 3274) or the amendments made by the Act, or the application of that provision to a person, circumstance, or venue, is held invalid by a judicial order, the Secretary of Transportation and the Metropolitan Washington Airports Authority shall be subject to section 49108 of this title from the day after the day the order is issued.]**

[(2) Any action] *Any action* of the Airports Authority that was required to be submitted to the Board of Review under section 6007(f)(4) of the Metropolitan Washington Airports Act of 1986 (Public Law 99–500; 100 Stat. 1783–380; Public Law 99–599; 100 Stat. 3341–383) before October 9, 1996, remains in effect and may not be set aside only because of a judicial order invalidating certain functions of the Board.

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PART E—MISCELLANEOUS

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CHAPTER 501—BUY-AMERICAN PREFERENCES

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§ 50101. Buying goods produced in the United States

(a) PREFERENCE.—The Secretary of Transportation may obligate an amount that may be appropriated to carry out section 106(k), 44502(a)(2), or 44509, subchapter I of chapter 471 **[(except section 47127)],** or chapter 481 (except sections 48102(e), 48106, 48107, and 48110) of this title for a project only if steel and manufactured goods used in the project are produced in the United States.

(b) WAIVER.—The Secretary may waive subsection (a) of this section if the Secretary finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) the steel and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality;

(3) when procuring a facility or equipment under section 44502(a)(2) or 44509, subchapter I of chapter 471 [(except section 47127)], or chapter 481 (except sections 48102(e), 48106, 48107, and 48110) of this title—

(A) the cost of components and subcomponents produced in the United States is more than 60 percent of the cost of all components of the facility or equipment; and

(B) final assembly of the facility or equipment has occurred in the United States; or

(4) including domestic material will increase the cost of the overall project by more than 25 percent.

(c) LABOR COSTS.—In this section, labor costs involved in final assembly are not included in calculating the cost of components.

(d) LIMITATION ON CERTAIN ROLLING STOCK PROCUREMENTS.—

(1) IN GENERAL.—*Financial assistance made available under the provisions described in subsection (a) shall not be used in awarding a contract or subcontract to an entity on or after the date of enactment of this subsection for the procurement of rolling stock for use in an airport-related project if the manufacturer of the rolling stock—*

(A) *is incorporated in or has manufacturing facilities in the United States; and*

(B) *is owned or controlled by, is a subsidiary of, or is otherwise related legally or financially to a corporation based in a country that—*

(i) *is identified as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) as of the date of enactment of this subsection;*

(ii) *was identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a foreign country included on the priority watch list defined in subsection (g)(3) of that section; and*

(iii) *is subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).*

(2) EXCEPTION.—

(A) IN GENERAL.—*For purposes of paragraph (1), the term “otherwise related legally or financially” does not include—*

(i) *a minority relationship or investment; or*

(ii) *relationship with or investment in a subsidiary, joint venture, or other entity based in a country described in paragraph (1)(B) that does not export rolling stock or components of rolling stock for use in the United States.*

(B) CORPORATION BASED IN PEOPLE’S REPUBLIC OF CHINA.—*Notwithstanding subparagraph (A)(i), for purposes of paragraph (1), the term “otherwise related legally or fi-*

nancially” includes a minority relationship or investment if the relationship or investment involves a corporation based in the People’s Republic of China.

(3) INTERNATIONAL AGREEMENTS.—This subsection shall be applied in a manner consistent with the obligations of the United States under international agreements.

§ 50102. Restricting contract awards because of discrimination against United States goods or services

A person or enterprise domiciled or operating under the laws of a foreign country may not make a contract or subcontract under section 106(k), 44502(a)(2), or 44509, subchapter I of chapter 471 [(except section 47127)], or chapter 481 (except sections 48102(e), 48106, 48107, and 48110) of this title or subtitle B of title IX of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508, 104 Stat. 1388–353) if the government of that country unfairly maintains, in government procurement, a significant and persistent pattern of discrimination against United States goods or services that results in identifiable harm to United States businesses, that the President identifies under section 305(g)(1)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2515(g)(1)(A)).

* * * * *

§ 50104. Restriction on airport projects using products or services of foreign countries denying fair market opportunities

(a) DEFINITION AND RULES FOR CONSTRUING SECTION.—In this section—

(1) “project” has the same meaning given that term in section 47102 of this title.

(2) each foreign instrumentality and each territory and possession of a foreign country administered separately for customs purposes is a separate foreign country.

(3) an article substantially produced or manufactured in a foreign country is a product of the country.

(4) a service provided by a person that is a national of a foreign country or that is controlled by a national of a foreign country is a service of the country.

(b) LIMITATION ON USE OF AVAILABLE AMOUNTS.—(1) An amount made available under subchapter I of chapter 471 of this title [(except section 47127)] may not be used for a project that uses a product or service of a foreign country during any period the country is on the list maintained by the United States Trade Representative under subsection (d)(1) of this section.

(2) Paragraph (1) of this subsection does not apply when the Secretary of Transportation decides that—

(A) applying paragraph (1) to the product, service, or project is not in the public interest;

(B) a product or service of the same class or type and of satisfactory quality is not produced or offered in the United States, or in a foreign country not listed under subsection (d)(1) of this section, in a sufficient and reasonably available amount; and

(C) the project cost will increase by more than 20 percent if the product or service is excluded.

(c) DECISIONS ON DENIAL OF FAIR MARKET OPPORTUNITIES.—Not later than 30 days after a report is submitted to Congress under section 181(b) of the Trade Act of 1974 (19 U.S.C. 2241(b)), the Trade Representative, for a construction project of more than \$500,000 for which the government of a foreign country supplies any part of the amount, shall decide whether the foreign country denies fair market opportunities for products and suppliers of the United States in procurement or for United States bidders. In making the decision, the Trade Representative shall consider information obtained in preparing the report and other information the Trade Representative considers relevant.

(d) LIST OF COUNTRIES DENYING FAIR MARKET OPPORTUNITIES.—

(1) The Trade Representative shall maintain a list of each foreign country the Trade Representative finds under subsection (c) of this section is denying fair market opportunities. The country shall remain on the list until the Trade Representative decides the country provides fair market opportunities.

(2) The Trade Representative shall publish in the Federal Register—

(A) annually the list required under paragraph (1) of this subsection; and

(B) any modification of the list made before the next list is published.

§ 50105. Fraudulent use of “Made in America” label

If the Secretary of Transportation decides that a person intentionally affixed a “Made in America” label to goods sold in or shipped to the United States that are not made in the United States, the Secretary shall declare the person ineligible, for not less than 3 nor more than 5 years, to receive a contract or grant from the United States Government related to a contract made under section 106(k), 44502(a)(2), or 44509, subchapter I of chapter 471 [(except section 47127)], or chapter 481 (except sections 48102(e), 48106, 48107, and 48110) of this title or subtitle B of title IX of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508, 104 Stat. 1388–353). The Secretary may bring a civil action to enforce this section in any district court of the United States.

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WENDELL H. FORD AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY

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TITLE VII—MISCELLANEOUS PROVISIONS

* * * * *

SEC. 732. REGULATION OF ALASKA GUIDE PILOTS.

(a) IN GENERAL.—Beginning on the date of the enactment of this Act, flight operations conducted by Alaska guide pilots shall be reg-

ulated under the general operating and flight rules contained in part 91 of title 14, Code of Federal Regulations.

[(b) RULEMAKING PROCEEDING.—

[(1) IN GENERAL.—The Administrator shall conduct a rule-making proceeding and issue a final rule to modify the general operating and flight rules referred to in subsection (a) by establishing special rules applicable to the flight operations conducted by Alaska guide pilots.

[(2) CONTENTS OF RULES.—A final rule issued by the Administrator under paragraph (1) shall require Alaska guide pilots—

[(A) to operate aircraft inspected no less often than after 125 hours of flight time;

[(B) to participate in an annual flight review, as described in section 61.56 of title 14, Code of Federal Regulations;

[(C) to have at least 500 hours of flight time as a pilot;

[(D) to have a commercial rating, as described in subpart F of part 61 of such title;

[(E) to hold at least a second-class medical certificate, as described in subpart C of part 67 of such title;

[(F) to hold a current letter of authorization issued by the Administrator; and

[(G) to take such other actions as the Administrator determines necessary for safety.

[(3) CONSIDERATION.—In making a determination to impose a requirement under paragraph (2)(G), the Administrator shall take into account the unique conditions associated with air travel in the State of Alaska to ensure that such requirements are not unduly burdensome.]

[(c) DEFINITIONS.—In this section, the following definitions apply:]

[(1) LETTER OF AUTHORIZATION.—The term “letter of authorization” means a letter issued by the Administrator once every 5 years to an Alaska guide pilot certifying that the pilot is in compliance with general operating and flight rules applicable to the pilot. In the case of a multi-pilot operation, at the election of the operating entity, a letter of authorization may be issued by the Administrator to the entity or to each Alaska guide pilot employed by the entity.]

(b) DEFINITION OF ALASKA GUIDE PILOT.—*In this section*

[(2) ALASKA GUIDE PILOT.—The term “Alaska guide pilot”] *the term “Alaska guide pilot”* means a pilot who—

(A) conducts aircraft operations over or within the State of Alaska;

(B) operates single engine, fixed-wing aircraft on floats, wheels, or skis, providing commercial hunting, fishing, or other guide services and related accommodations in the form of camps or lodges; and

(C) transports clients by such aircraft incidental to hunting, fishing, or other guide services.

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VISION 100—CENTURY OF AVIATION REAUTHORIZATION ACT

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Vision 100—Century of Aviation Reauthorization Act”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

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TITLE VII—AVIATION RESEARCH

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[Sec. 710. Next generation air transportation senior policy committee.]

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TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

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Subtitle D—Miscellaneous

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SEC. 186. MIDWAY ISLAND AIRPORT.

(a) **FINDINGS.**—Congress finds that the continued operation of the Midway Island Airport in accordance with the standards of the Federal Aviation Administration applicable to commercial airports is critical to the safety of commercial, military, and general aviation in the mid-Pacific Ocean region.

(b) **MEMORANDUM OF UNDERSTANDING ON SALE OF AIRCRAFT FUEL.**—The Secretaries of Transportation, Defense, Interior, and Homeland Security shall enter into a memorandum of understanding to facilitate the sale of aircraft fuel on Midway Island at a price that will generate sufficient revenue to improve the ability of the airport to operate on a self-sustaining basis in accordance with the standards of the Federal Aviation Administration applicable to commercial airports. The memorandum shall also address the long-range potential of promoting tourism as a means to generate revenue to operate the airport.

(c) **TRANSFER OF NAVIGATION AIDS AT MIDWAY ISLAND AIRPORT.**—The Midway Island Airport may transfer, without consideration, to the Administrator the navigation aids at the airport. The Administrator shall accept the navigation aids and operate and maintain the navigation aids under criteria of the Administrator.

(d) **FUNDING TO SECRETARY OF THE INTERIOR FOR MIDWAY ISLAND AIRPORT.**—The Secretary of Transportation may enter into a reimbursable agreement with the Secretary of the Interior for the purpose of funding airport development, as defined in section 47102(3) of title 49, United States Code, at Midway Island Airport **[for fiscal years 2018 through 2023]** *for fiscal years 2023 through 2028* from amounts available in the discretionary fund established

by section 47115 of such title. The maximum obligation under the agreement for any such fiscal year shall be \$2,500,000.

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TITLE II—FAA ORGANIZATION

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Subtitle B—Miscellaneous

SEC. 221. CONTROLLER STAFFING.

(a) ANNUAL REPORT.—Beginning with the submission of the Budget of the United States to the Congress for fiscal year 2005, the [Administrator of the Federal Aviation Administration] *Chief Operating Officer of the Air Traffic Organization of the Federal Aviation Administration* shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that describes the overall air traffic controller staffing plan, including strategies to address anticipated retirement and replacement of air traffic controllers.

(b) HUMAN CAPITAL WORKFORCE STRATEGY.—

(1) DEVELOPMENT.—The Administrator shall develop a comprehensive human capital workforce strategy to determine the most effective method for addressing the need for more air traffic controllers that is identified in the June 2002 report of the General Accounting Office.

(2) COMPLETION DATE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall complete development of the strategy.

(3) REPORT.—Not later than 30 days after the date on which the strategy is completed, the Administrator shall transmit to Congress a report describing the strategy.

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TITLE VII—AVIATION RESEARCH

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[SEC. 710. NEXT GENERATION AIR TRANSPORTATION SENIOR POLICY COMMITTEE.

[(a) IN GENERAL.—The Secretary of Transportation shall establish a senior policy committee to work with the Next Generation Air Transportation System Joint Planning and Development Office. The senior policy committee shall be chaired by the Secretary and shall meet at least twice each year.

[(b) MEMBERSHIP.—In addition to the Secretary, the senior policy committee shall be composed of—

[(1) the Administrator of the Federal Aviation Administration (or the Administrator's designee);

[(2) the Administrator of the National Aeronautics and Space Administration (or the Administrator's designee);

[(3) the Secretary of Defense (or the Secretary's designee);

[(4) the Secretary of Homeland Security (or the Secretary's designee);

[(5) the Secretary of Commerce (or the Secretary's designee);

[(6) the Director of the Office of Science and Technology Policy (or the Director's designee); and

[(7) designees from other Federal agencies determined by the Secretary of Transportation to have an important interest in, or responsibility for, other aspects of the system.

[(c) FUNCTION.—The senior policy committee shall—

[(1) advise the Secretary of Transportation regarding the national goals and strategic objectives for the transformation of the Nation's air transportation system to meet its future needs;

[(2) provide policy guidance for the integrated plan for the air transportation system to be developed by the Next Generation Air Transportation System Joint Planning and Development Office;

[(3) provide ongoing policy review for the transformation of the air transportation system;

[(4) identify resource needs and make recommendations to their respective agencies for necessary funding for planning, research, and development activities; and

[(5) make legislative recommendations, as appropriate, for the future air transportation system.

[(d) CONSULTATION.—In carrying out its functions under this section, the senior policy committee shall consult with, and ensure participation by, the private sector (including representatives of general aviation, commercial aviation, aviation labor, and the space industry), members of the public, and other interested parties and may do so through a special advisory committee composed of such representatives.

[(e) ANNUAL REPORT.—

[(1) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter on the date of submission of the President's budget request to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to Congress a report summarizing the progress made in carrying out the integrated work plan required by section 709(b)(5) and any changes in that plan.

[(2) CONTENTS.—The report shall include—

[(A) a copy of the updated integrated work plan;

[(B) a description of the progress made in carrying out the integrated work plan and any changes in that plan, including any changes based on funding shortfalls and limitations set by the Office of Management and Budget;

[(C) a detailed description of—

[(i) the success or failure of each item of the integrated work plan for the previous year and relevant information as to why any milestone was not met; and

[(ii) the impact of not meeting the milestone and what actions will be taken in the future to account for the failure to complete the milestone;

[(D) an explanation of any change to future years in the integrated work plan and the reasons for such change; and

[(E) an identification of the levels of funding for each agency participating in the integrated work plan devoted to programs and activities under the plan for the previous fiscal year and in the President's budget request.]

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INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Intelligence Reform and Terrorism Prevention Act of 2004”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—REFORM OF THE INTELLIGENCE COMMUNITY

Sec. 1001. Short title.

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TITLE IV—TRANSPORTATION SECURITY

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Subtitle B—Aviation Security

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[Sec. 4022. Improved pilot licenses.]

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TITLE IV—TRANSPORTATION SECURITY

* * * * *

Subtitle B—Aviation Security

* * * * *

SEC. 4022. IMPROVED PILOT LICENSES.

[(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall begin to issue improved pilot licenses consistent with the requirements of title 49, United States Code, and title 14, Code of Federal Regulations.

[(b) REQUIREMENTS.—Improved pilots licenses issued under subsection (a) shall—

[(1) be resistant to tampering, alteration, and counterfeiting;

[(2) include a photograph of the individual to whom the license is issued; and

[(3) be capable of accommodating a digital photograph, a biometric identifier, or any other unique identifier that the Administrator considers necessary.

[(c) TAMPERING.—To the extent practical, the Administrator shall develop methods to determine or reveal whether any component or security feature of a license issued under subsection (a) has been tampered, altered, or counterfeited.

[(d) USE OF DESIGNEES.—The Administrator may use designees to carry out subsection (a) to the extent feasible in order to minimize the burdens on pilots.]

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FAA MODERNIZATION AND REFORM ACT OF 2012

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “FAA Modernization and Reform Act of 2012”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

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TITLE III—SAFETY

Subtitle A—General Provisions

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[Sec. 321. Improved pilot licenses.]

Subtitle B—Unmanned Aircraft Systems

* * * * *

Subtitle C—Safety and Protections

[Sec. 345. Duty periods and flight time limitations applicable to flight crewmembers.]

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TITLE VIII—MISCELLANEOUS

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[Sec. 817. Release from restrictions.]

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TITLE III—SAFETY

Subtitle A—General Provisions

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[SEC. 321. IMPROVED PILOT LICENSES.]

[(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall issue improved pilot licenses consistent with requirements under this section.

[(b) TIMING.—Not later than 270 days after the date of enactment of this Act, the Administrator shall—

[(1) provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

[(A) a timeline for the phased issuance of improved pilot licenses under this section that ensures all pilots are issued such licenses not later than 2 years after the initial issuance of such licenses under paragraph (2); and

[(B) recommendations for the Federal installation of infrastructure necessary to take advantage of information contained on improved pilot licenses issued under this section, which identify the necessary infrastructure, indicate the Federal entity that should be responsible for installing, funding, and operating the infrastructure at airport sterile areas, and provide an estimate of the costs of the infrastructure; and

[(2) begin to issue improved pilot licenses consistent with the requirements of title 49, United States Code, and title 14, Code of Federal Regulations.

[(c) REQUIREMENTS.—Improved pilot licenses issued under this section shall—

[(1) be resistant to tampering, alteration, and counterfeiting;

[(2) include a photograph of the individual to whom the license is issued for identification purposes; and

[(3) be smart cards that—

[(A) accommodate iris and fingerprint biometric identifiers; and

[(B) are compliant with Federal Information Processing Standards-201 (FIPS-201) or Personal Identity Verification-Interoperability Standards (PIV-I) for processing through security checkpoints into airport sterile areas.

[(d) TAMPERING.—To the extent practicable, the Administrator shall develop methods to determine or reveal whether any component or security feature of an improved pilot license issued under this section has been tampered with, altered, or counterfeited.

[(e) USE OF DESIGNEES.—The Administrator may use designees to carry out subsection (a) to the extent practicable in order to minimize the burdens on pilots.

[(f) REPORT TO CONGRESS.—

[(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the issuance of improved pilot licenses under this section.

[(2) EXPIRATION.—The Administrator shall not be required to submit annual reports under this subsection after the date on which the Administrator has issued improved pilot licenses under this section to all pilots.]

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Subtitle C—Safety and Protections

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[SEC. 345. DUTY PERIODS AND FLIGHT TIME LIMITATIONS APPLICABLE TO FLIGHT CREWMEMBERS.

[(a) RULEMAKING ON APPLICABILITY OF PART 121 DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART 91 OPERATIONS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rule-

making proceeding, if such a proceeding has not already been initiated, to require a flight crewmember who is employed by an air carrier conducting operations under part 121 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or from any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 121 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 121 of such title.

[(b) RULEMAKING ON APPLICABILITY OF PART 135 DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART 91 OPERATIONS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall initiate a rulemaking proceeding to require a flight crewmember who is employed by an air carrier conducting operations under part 135 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 135 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 135 of such title.

[(c) SEPARATE RULEMAKING PROCEEDINGS REQUIRED.—The rulemaking proceeding required under subsection (b) shall be separate from the rulemaking proceeding required under subsection (a).]

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TITLE IV—AIR SERVICE IMPROVEMENTS

Subtitle A—Passenger Air Service Improvements

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SEC. 411. ESTABLISHMENT OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.

(a) IN GENERAL.—The Secretary of Transportation shall establish an advisory committee for aviation consumer protection to advise the Secretary in carrying out activities relating to airline customer service improvements.

(b) MEMBERSHIP.—The Secretary shall appoint the members of the advisory committee, which shall be comprised of one representative each of—

- (1) air carriers;
- (2) airport operators;
- (3) *ticket agents and travel management companies*;
- [(3)] (4) State or local governments with expertise in consumer protection matters; and
- [(4)] (5) nonprofit public interest groups with expertise in consumer protection matters.

(c) VACANCIES.—A vacancy in the advisory committee shall be filled in the manner in which the original appointment was made.

(d) TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(e) CHAIRPERSON.—The Secretary shall designate, from among the individuals appointed under subsection (b), an individual to serve as chairperson of the advisory committee.

(f) DUTIES.—The duties of the advisory committee shall include—

(1) evaluating existing aviation consumer protection programs and providing recommendations for the improvement of such programs, if needed; and

(2) providing recommendations for establishing additional aviation consumer protection programs, if needed.

(g) REPORT TO CONGRESS.—Not later than February 1 of each of the first 2 calendar years beginning after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing—

(1) the recommendations made by the advisory committee during the preceding calendar year; and

(2) an explanation of how the Secretary has implemented each recommendation and, for each recommendation not implemented, the Secretary's reason for not implementing the recommendation.

(h) TERMINATION.—The advisory committee established under this section shall terminate on September 30, [2023] 2028.

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TITLE VI—FAA EMPLOYEES AND ORGANIZATION

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SEC. 605. FAA TECHNICAL TRAINING AND STAFFING.

[(a) STUDY.—

[(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a study to assess the adequacy of the Administrator's technical training strategy and improvement plan for airway transportation systems specialists (in this section referred to as "FAA systems specialists").

[(2) CONTENTS.—The study shall include—

[(A) a review of the current technical training strategy and improvement plan for FAA systems specialists;

[(B) recommendations to improve the technical training strategy and improvement plan needed by FAA systems specialists to be proficient in the maintenance of the latest technologies;

[(C) a description of actions that the Administration has undertaken to ensure that FAA systems specialists receive up-to-date training on the latest technologies; and

[(D) a recommendation regarding the most cost-effective approach to provide training to FAA systems specialists.

[(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.]

[(b) WORKLOAD OF SYSTEMS SPECIALISTS.—]

[(1)] (a) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall make appropriate arrangements for the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for FAA systems specialists to ensure proper maintenance and certification of the national airspace system.

[(2)] (b) CONSULTATION.—In conducting the study, the National Academy of Sciences shall—

- (1) consult with the exclusive bargaining representative certified under section 7111 of title 5, United States Code; and
- (2) include recommendations for objective staffing standards that maintain the safety of the national airspace system.

[(3)] (c) REPORT.—Not later than 1 year after the initiation of the arrangements under [paragraph (1)] subsection (a), the National Academy of Sciences shall submit to Congress a report on the results of the study.

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TITLE VIII—MISCELLANEOUS

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[SEC. 817. RELEASE FROM RESTRICTIONS.

[(a) IN GENERAL.—Subject to subsection (b), the Secretary of Transportation is authorized to grant to an airport, city, or county a release from any of the terms, conditions, reservations, or restrictions contained in a deed under which the United States conveyed to the airport, city, or county an interest in real property for airport purposes pursuant to section 16 of the Federal Airport Act (60 Stat. 179), section 23 of the Airport and Airway Development Act of 1970 (84 Stat. 232), or section 47125 of title 49, United States Code.

[(b) CONDITION.—Any release granted by the Secretary pursuant to subsection (a) shall be subject to the following conditions:

[(1) The applicable airport, city, or county shall agree that in conveying any interest in the real property which the United States conveyed to the airport, city, or county, the airport, city, or county will receive consideration for such interest that is equal to its fair market value.

[(2) Any consideration received by the airport, city, or county under paragraph (1) shall be used exclusively for the development, improvement, operation, or maintenance of a public airport by the airport, city, or county.

[(3) Any other conditions required by the Secretary.]

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SEC. 821. CLARIFICATION OF REQUIREMENTS FOR VOLUNTEER PILOTS OPERATING CHARITABLE MEDICAL FLIGHTS.

(a) REIMBURSEMENT OF FUEL COSTS.—Notwithstanding any other law or regulation, in administering section 61.113(c) of title 14, Code of Federal Regulations (or any successor regulation), the Administrator of the Federal Aviation Administration shall allow an aircraft owner or operator to accept reimbursement from a volunteer pilot organization **for the fuel costs associated with** *for the fuel costs and airport fees attributed to a flight operation to provide transportation for an individual or organ for medical purposes (and for other associated individuals) for the purposes described in subsection (c)(2), if the aircraft owner or operator has—*

- (1) volunteered to provide such transportation; and
- (2) notified any individual that will be on the flight, at the time of inquiry about the flight, that the flight operation is for charitable purposes and is not subject to the same requirements as a commercial flight.

(b) CONDITIONS TO ENSURE SAFETY.—The Administrator may impose minimum standards with respect to training and flight hours for single-engine, multi-engine, and turbine-engine operations conducted by an aircraft owner or operator that is being reimbursed for fuel costs by a volunteer pilot organization, including mandating that the pilot in command of such aircraft hold an instrument rating and be current and qualified for the aircraft being flown to ensure the safety of flight operations described in subsection (a).

(c) VOLUNTEER PILOT ORGANIZATION.—In this section, the term “volunteer pilot organization” means an organization that—

- (1) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code; and
- (2) is organized for the primary purpose of providing, arranging, or otherwise fostering **charitable medical transportation.** *charitable transportation for the following purposes:*
 - (A) *Assisting individuals in accessing medical care or treatment (and for other associated individuals).*
 - (B) *Delivering human blood, tissues, or organs.*
 - (C) *Aiding disaster relief efforts pursuant to a—*
 - (i) *presidential declaration of a major disaster or an emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);*
 - or
 - (ii) *declaration of a major disaster or an emergency by a Governor of a State.*

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FAA EXTENSION, SAFETY, AND SECURITY ACT OF 2016

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TITLE II—AVIATION SAFETY CRITICAL REFORMS

Subtitle A—Safety

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SEC. 2104. LASER POINTER INCIDENTS.

(a) IN GENERAL.—Beginning 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in coordination with appropriate Federal law enforcement agencies, shall provide ~~quarterly~~ *annually* updates to the appropriate committees of Congress regarding—

(1) the number of incidents involving the beam from a laser pointer (as defined in section 39A of title 18, United States Code) being aimed at, or in the flight path of, an aircraft in the airspace jurisdiction of the United States;

(2) the number of civil or criminal enforcement actions taken by the Federal Aviation Administration, the Department of Transportation, or another Federal agency with regard to the incidents described in paragraph (1), including the amount of the civil or criminal penalties imposed on violators;

(3) the resolution of any incidents described in paragraph (1) that did not result in a civil or criminal enforcement action; and

(4) any actions the Department of Transportation or another Federal agency has taken on its own, or in conjunction with other Federal agencies or local law enforcement agencies, to deter the type of activity described in paragraph (1).

(b) CIVIL PENALTIES.—The Administrator shall revise the maximum civil penalty that may be imposed on an individual who aims the beam of a laser pointer at an aircraft in the airspace jurisdiction of the United States, or at the flight path of such an aircraft, to be \$25,000.

(c) REPORT SUNSET.—*Subsection (a) shall cease to be effective after September 30, 2028.*

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Subtitle B—UAS Safety

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SEC. 2209. APPLICATIONS FOR DESIGNATION.

(a) APPLICATIONS FOR DESIGNATION.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall establish a process to allow applicants to petition the Administrator of the Federal Aviation Administration to prohibit or restrict, *including temporarily*, the operation of an unmanned aircraft in close proximity to a fixed site facility *or eligible outdoor gathering*.

(b) REVIEW PROCESS.—

(1) APPLICATION PROCEDURES.—

(A) IN GENERAL.—The Administrator shall establish the procedures for the application for designation under subsection (a).

(B) REQUIREMENTS.—The procedures shall allow operators or proprietors of fixed site facilities to apply for designation individually or collectively.

(C) CONSIDERATIONS.—Only the following may be considered fixed site facilities:

(i) Critical infrastructure, such as energy production, transmission, distribution facilities and equipment, and railroad facilities.

(ii) Oil refineries and chemical facilities.

(iii) Amusement parks.

(iv) **Other locations that warrant such restrictions** *State correctional facilities.*

(v) *Eligible outdoor gatherings.*

(2) DETERMINATION.—

(A) IN GENERAL.—The Secretary shall provide for a determination under the review process established under subsection (a) not later than 90 days after the date of application, unless the applicant is provided with written notice describing the reason for the delay.

(B) AFFIRMATIVE DESIGNATIONS.—An affirmative designation shall outline—

(i) the boundaries for unmanned aircraft operation near the fixed site facility; and

(ii) such other limitations that the Administrator determines may be appropriate.

(C) CONSIDERATIONS.—In making a determination whether to grant or deny an application for a designation, the Administrator may consider—

(i) aviation safety;

(ii) protection of persons and property on the ground;

(iii) national security; or

(iv) homeland security.

(D) OPPORTUNITY FOR RESUBMISSION.—If an application is denied, and the applicant can reasonably address the reason for the denial, the Administrator may allow the applicant to reapply for designation.

(c) PUBLIC INFORMATION.—Designations under subsection (a) shall be published by the Federal Aviation Administration on a publicly accessible website.

(d) SAVINGS CLAUSE.—Nothing in this section may be construed as prohibiting the Administrator from authorizing operation of an aircraft, including an unmanned aircraft system, over, under, or within a specified distance from that fixed site facility designated under subsection (b).

(e) DEADLINES.—

(1) Not later than March 31, 2019, the Administrator shall publish a notice of proposed rulemaking to carry out the requirements of this section.

(2) Not later than 12 months after publishing the notice of proposed rulemaking under paragraph (1), the Administrator shall issue a final rule.

(f) *ELIGIBLE OUTDOOR GATHERING DEFINED.*—*In this section, the term “eligible outdoor gathering” means an event that—*

- (1) is primarily outdoors;*
- (2) has an estimated daily attendance of 20,000 or greater in at least 1 of the preceding 3 years;*
- (3) has defined and static geographical boundaries; and*
- (4) is advertised in the public domain.*

(f) *DEADLINES.*—

(1) Not later than March 1, 2024, the Administrator shall publish a notice of proposed rulemaking to carry out the requirements of this section.

(2) Not later than 16 months after publishing the notice of proposed rulemaking under paragraph (1), the Administrator shall issue a final rule.

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Subtitle C—Time Sensitive Aviation Reforms

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SEC. 2307. MEDICAL CERTIFICATION OF CERTAIN SMALL AIRCRAFT PILOTS.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue or revise regulations to ensure that an individual may operate as pilot in command of a covered aircraft if—

(1) the individual possesses a valid driver’s license issued by a State, territory, or possession of the United States and complies with all medical requirements or restrictions associated with that license;

[(2) the individual holds a medical certificate issued by the Federal Aviation Administration on the date of enactment of this Act, held such a certificate at any point during the 10-year period preceding such date of enactment, or obtains such a certificate after such date of enactment;]

(2) the individual holds a medical certificate issued by the Federal Aviation Administration or has held such a certificate at any time after July 14, 2006;

(3) the most recent medical certificate issued by the Federal Aviation Administration to the individual—

(A) indicates whether the certificate is first, second, or third class;

(B) may include authorization for special issuance;

(C) may be expired;

(D) cannot have been revoked or suspended; and

(E) cannot have been withdrawn;

(4) the most recent application for airman medical certification submitted to the Federal Aviation Administration by the individual cannot have been completed and denied;

(5) the individual has completed a medical education course described in subsection (c) during the 24 calendar months before acting as pilot in command of a covered aircraft and demonstrates proof of completion of the course;

(6) the individual, when serving as a pilot in command, is under the care and treatment of a physician if the individual has been diagnosed with any medical condition that may impact the ability of the individual to fly;

(7) the individual has received a comprehensive medical examination from a State-licensed physician during the previous 48 *calendar* months and—

(A) prior to the examination, the individual—

(i) completed the individual's section of the checklist described in subsection (b); and

(ii) provided the completed checklist to the physician performing the examination; and

(B) the physician conducted the comprehensive medical examination in accordance with the checklist described in subsection (b), checking each item specified during the examination and addressing, as medically appropriate, every medical condition listed, and any medications the individual is taking; and

(8) the individual is operating in accordance with the following conditions:

(A) The covered aircraft is carrying not more than **[5]** 6 passengers.

(B) The individual is operating the covered aircraft under visual flight rules or instrument flight rules.

(C) The flight, including each portion of that flight, is not carried out—

(i) for compensation or hire, including that no passenger or property on the flight is being carried for compensation or hire;

(ii) at an altitude that is more than 18,000 feet above mean sea level;

(iii) outside the United States, unless authorized by the country in which the flight is conducted; or

(iv) at an indicated air speed exceeding 250 knots.

(b) COMPREHENSIVE MEDICAL EXAMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall develop a checklist for an individual to complete and provide to the physician performing the comprehensive medical examination required in subsection (a)(7).

(2) REQUIREMENTS.—The checklist shall contain—

(A) a section, for the individual to complete that contains—

(i) boxes 3 through 13 and boxes 16 through 19 of the Federal Aviation Administration Form 8500-8 (3-99) (*or any successor form*); and

(ii) a signature line for the individual to affirm that—

(I) the answers provided by the individual on that checklist, including the individual's answers regarding medical history, are true and complete;

(II) the individual understands that he or she is prohibited under Federal Aviation Administration regulations from acting as pilot in command, or any other capacity as a required flight crew mem-

ber, if he or she knows or has reason to know of any medical deficiency or medically disqualifying condition that would make the individual unable to operate the aircraft in a safe manner; and

(III) the individual is aware of the regulations pertaining to the prohibition on operations during medical deficiency and has no medically disqualifying conditions in accordance with applicable law;

(B) a section with instructions for the individual to provide the completed checklist to the physician performing the comprehensive medical examination required in subsection (a)(7); and

(C) a section, for the physician to complete, that instructs the physician—

(i) to perform a clinical examination of—

(I) head, face, neck, and scalp;

(II) nose, sinuses, mouth, and throat;

(III) ears, general (internal and external canals), and eardrums (perforation);

(IV) eyes (general), ophthalmoscopic, pupils (equality and reaction), and ocular motility (associated parallel movement, nystagmus);

(V) lungs and chest (not including breast examination);

(VI) heart (precordial activity, rhythm, sounds, and murmurs);

(VII) vascular system (pulse, amplitude, and character, and arms, legs, and others);

(VIII) abdomen and viscera (including hernia);

(IX) anus (not including digital examination);

(X) skin;

(XI) G-U system (not including pelvic examination);

(XII) upper and lower extremities (strength and range of motion);

(XIII) spine and other musculoskeletal;

(XIV) identifying body marks, scars, and tattoos (size and location);

(XV) lymphatics;

(XVI) neurologic (tendon reflexes, equilibrium, senses, cranial nerves, and coordination, etc.);

(XVII) psychiatric (appearance, behavior, mood, communication, and memory);

(XVIII) general systemic;

(XIX) hearing;

(XX) vision (distant, near, and intermediate vision, field of vision, color vision, and ocular alignment);

(XXI) blood pressure and pulse; and

(XXII) anything else the physician, in his or her medical judgment, considers necessary;

(ii) to exercise medical discretion to address, as medically appropriate, any medical conditions identified, and to exercise medical discretion in determining

whether any medical tests are warranted as part of the comprehensive medical examination;

(iii) to discuss all drugs the individual reports taking (prescription and nonprescription) and their potential to interfere with the safe operation of an aircraft or motor vehicle;

(iv) to sign the checklist, stating: "I certify that I discussed all items on this checklist with the individual during my examination, discussed any medications the individual is taking that could interfere with their ability to safely operate an aircraft or motor vehicle, and performed an examination that included all of the items on this checklist. I certify that I am not aware of any medical condition that, as presently treated, could interfere with the individual's ability to safely operate an aircraft."; and

(v) to provide the date the comprehensive medical examination was completed, and the physician's full name, address, telephone number, and State medical license number.

(3) LOGBOOK.—The completed checklist shall be retained in the individual's logbook and made available on request.

(c) MEDICAL EDUCATION COURSE REQUIREMENTS.—The medical education course described in this subsection shall—

(1) be available on the Internet free of charge;

(2) be developed and periodically updated in coordination with representatives of relevant nonprofit and not-for-profit general aviation stakeholder groups;

(3) educate pilots on conducting medical self-assessments;

(4) advise pilots on identifying warning signs of potential serious medical conditions;

(5) identify risk mitigation strategies for medical conditions;

(6) increase awareness of the impacts of potentially impairing over-the-counter and prescription drug medications;

(7) encourage regular medical examinations and consultations with primary care physicians;

(8) inform pilots of the regulations pertaining to the prohibition on operations during medical deficiency and medically disqualifying conditions;

(9) provide the checklist developed by the Federal Aviation Administration in accordance with subsection (b); and

(10) upon successful completion of the course, electronically provide to the individual and transmit to the Federal Aviation Administration—

(A) a certification of completion of the medical education course, which shall be printed and retained in the individual's logbook and made available upon request, and shall contain the individual's name, address, and airman certificate number;

(B) subject to subsection (d), a release authorizing the National Driver Register through a designated State Department of Motor Vehicles to furnish to the Federal Aviation Administration information pertaining to the individual's driving record;

- (C) a certification by the individual that the individual is under the care and treatment of a physician if the individual has been diagnosed with any medical condition that may impact the ability of the individual to fly, as required under subsection (a)(6);
- (D) a form that includes—
- (i) the name, address, telephone number, and airman certificate number of the individual;
 - (ii) the name, address, telephone number, and State medical license number of the physician performing the comprehensive medical examination required in subsection (a)(7);
 - (iii) the date of the comprehensive medical examination required in subsection (a)(7); and
 - (iv) a certification by the individual that the checklist described in subsection (b) was followed and signed by the physician in the comprehensive medical examination required in subsection (a)(7); and
- (E) a statement, which shall be printed, and signed by the individual certifying that the individual understands the existing prohibition on operations during medical deficiency by stating: “I understand that I cannot act as pilot in command, or any other capacity as a required flight crew member, if I know or have reason to know of any medical condition that would make me unable to operate the aircraft in a safe manner.”.
- (d) NATIONAL DRIVER REGISTER.—The authorization under subsection (c)(10)(B) shall be an authorization for a single access to the information contained in the National Driver Register.
- (e) SPECIAL ISSUANCE PROCESS.—
- (1) IN GENERAL.—An individual who has qualified for the third-class medical certificate exemption under subsection (a) and is seeking to serve as a pilot in command of a covered aircraft shall be required to have completed the process for obtaining an Authorization for Special Issuance of a Medical Certificate for each of the following:
 - (A) A mental health disorder, limited to an established medical history or clinical diagnosis of—
 - (i) personality disorder that is severe enough to have repeatedly manifested itself by overt acts;
 - (ii) psychosis, defined as a case in which an individual—
 - (I) has manifested delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis; or
 - (II) may reasonably be expected to manifest delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis;
 - (iii) bipolar disorder; or
 - (iv) substance dependence within the previous 2 years, as defined in section 67.307(a)(4) of title 14, Code of Federal Regulations.
 - (B) A neurological disorder, limited to an established medical history or clinical diagnosis of any of the following:

- (i) Epilepsy.
- (ii) Disturbance of consciousness without satisfactory medical explanation of the cause.
- (iii) A transient loss of control of nervous system functions without satisfactory medical explanation of the cause.

(C) A cardiovascular condition, limited to a one-time special issuance for each diagnosis of the following:

- (i) Myocardial infraction.
- (ii) Coronary heart disease that has required treatment.
- (iii) Cardiac valve replacement.
- (iv) Heart replacement.

(2) SPECIAL RULE FOR CARDIOVASCULAR CONDITIONS.—In the case of an individual with a cardiovascular condition, the process for obtaining an Authorization for Special Issuance of a Medical Certificate shall be satisfied with the successful completion of an appropriate clinical evaluation without a mandatory wait period.

(3) SPECIAL RULE FOR MENTAL HEALTH CONDITIONS.—

(A) IN GENERAL.—In the case of an individual with a clinically diagnosed mental health condition, the third-class medical certificate exemption under subsection (a) shall not apply if—

(i) in the judgment of the individual's State-licensed medical specialist, the condition—

(I) renders the individual unable to safely perform the duties or exercise the airman privileges described in subsection (a)(8); or

(II) may reasonably be expected to make the individual unable to perform the duties or exercise the privileges described in subsection (a)(8); or

(ii) the individual's driver's license is revoked by the issuing agency as a result of a clinically diagnosed mental health condition.

(B) CERTIFICATION.—Subject to subparagraph (A), an individual clinically diagnosed with a mental health condition shall certify every 2 years, in conjunction with the certification under subsection (c)(10)(C), that the individual is under the care of a State-licensed medical specialist for that mental health condition.

(4) SPECIAL RULE FOR NEUROLOGICAL CONDITIONS.—

(A) IN GENERAL.—In the case of an individual with a clinically diagnosed neurological condition, the third-class medical certificate exemption under subsection (a) shall not apply if—

(i) in the judgment of the individual's State-licensed medical specialist, the condition—

(I) renders the individual unable to safely perform the duties or exercise the airman privileges described in subsection (a)(8); or

(II) may reasonably be expected to make the individual unable to perform the duties or exercise the privileges described in subsection (a)(8); or

(ii) the individual's driver's license is revoked by the issuing agency as a result of a clinically diagnosed neurological condition.

(B) CERTIFICATION.—Subject to subparagraph (A), an individual clinically diagnosed with a neurological condition shall certify every 2 years, in conjunction with the certification under subsection (c)(10)(C), that the individual is under the care of a State-licensed medical specialist for that neurological condition.

(f) IDENTIFICATION OF ADDITIONAL MEDICAL CONDITIONS FOR CACI PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall review and identify additional medical conditions that could be added to the program known as the Conditions AMEs Can Issue (CACI) program.

(2) CONSULTATIONS.—In carrying out paragraph (1), the Administrator shall consult with aviation, medical, and union stakeholders.

(3) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report listing the medical conditions that have been added to the CACI program under paragraph (1).

(g) EXPEDITED AUTHORIZATION FOR SPECIAL ISSUANCE OF A MEDICAL CERTIFICATE.—

(1) IN GENERAL.—The Administrator shall implement procedures to expedite the process for obtaining an Authorization for Special Issuance of a Medical Certificate under section 67.401 of title 14, Code of Federal Regulations.

(2) CONSULTATIONS.—In carrying out paragraph (1), the Administrator shall consult with aviation, medical, and union stakeholders.

(3) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing how the procedures implemented under paragraph (1) will streamline the process for obtaining an Authorization for Special Issuance of a Medical Certificate and reduce the amount of time needed to review and decide special issuance cases.

[(h) REPORT REQUIRED.—Not later than 5 years after the date of enactment of this Act, the Administrator, in coordination with the National Transportation Safety Board, shall submit to the appropriate committees of Congress a report that describes the effect of the regulations issued or revised under subsection (a) and includes statistics with respect to changes in small aircraft activity and safety incidents.]

(h) REPORT REQUIRED.—Not later than 4 years after the date of enactment of the Securing Growth and Robust Leadership in American Aviation Act, the Administrator, in coordination with the National Transportation Safety Board, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that describes the effect of the regulations

issued or revised under subsection (a) and includes statistics with respect to changes in small aircraft activity and safety incidents.

(i) PROHIBITION ON ENFORCEMENT ACTIONS.—Beginning on the date that is 1 year after the date of enactment of this Act, the Administrator may not take an enforcement action for not holding a valid third-class medical certificate against a pilot of a covered aircraft for a flight if the pilot and the flight meet, through a good faith effort, the applicable requirements under subsection (a), except paragraph (5) of that subsection, unless the Administrator has published final regulations in the Federal Register under that subsection.

(j) COVERED AIRCRAFT DEFINED.—In this section, the term “covered aircraft” means an aircraft that—

- (1) is authorized under Federal law to carry not more than **[6]** 7 occupants; and
- (2) has a maximum certificated takeoff weight of not more than **[6,000]** 12,500 pounds.

(k) OPERATIONS COVERED.—The provisions and requirements covered in this section do not apply to pilots who elect to operate under the medical requirements under subsection (b) or subsection (c) of section 61.23 of title 14, Code of Federal Regulations.

(l) AUTHORITY TO REQUIRE ADDITIONAL INFORMATION.—

(1) IN GENERAL.—If the Administrator receives credible or urgent information, including from the National Driver Register or the Administrator’s Safety Hotline, that reflects on an individual’s ability to safely operate a covered aircraft under the third-class medical certificate exemption in subsection (a), the Administrator may require the individual to provide additional information or history so that the Administrator may determine whether the individual is safe to continue operating a covered aircraft.

(2) USE OF INFORMATION.—The Administrator may use credible or urgent information received under paragraph (1) to request an individual to provide additional information or to take actions under section 44709(b) of title 49, United States Code.

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PILOT’S BILL OF RIGHTS

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SEC. 2. FEDERAL AVIATION ADMINISTRATION ENFORCEMENT PROCEEDINGS AND ELIMINATION OF DEFERENCE.

(a) IN GENERAL.—Any proceeding conducted under subpart C, D, or F of part 821 of title 49, Code of Federal Regulations, relating to denial, amendment, modification, suspension, or revocation of an airman certificate, shall be conducted, to the extent practicable, in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Evidence.

(b) ACCESS TO INFORMATION.—

(1) IN GENERAL.—Except as provided under paragraph (3), the Administrator of the Federal Aviation Administration (referred to in this section as the “Administrator”) shall provide timely, written notification to an individual who is the subject of an investigation relating to the approval, denial, suspension,

modification, or revocation of an airman certificate under chapter 447 of title 49, United States Code.

(2) INFORMATION REQUIRED.—The notification required under paragraph (1) shall inform the individual—

(A) of the nature of the investigation and the specific activity on which the investigation is based;

(B) that an oral or written response to a Letter of Investigation from the Administrator is not required;

(C) that no action or adverse inference can be taken against the individual for declining to respond to a Letter of Investigation from the Administrator;

(D) that any response to a Letter of Investigation from the Administrator or to an inquiry made by a representative of the Administrator by the individual may be used as evidence against the individual;

(E) that the releasable portions of the Administrator's investigative report will be available to the individual; and

(F) that the individual is entitled to access or otherwise obtain air traffic data described in paragraph (4).

(3) EXCEPTION.—The Administrator may delay notification under paragraph (1) if the Administrator determines that such notification may threaten the integrity of the investigation.

(4) ACCESS TO AIR TRAFFIC DATA.—

(A) FAA AIR TRAFFIC DATA.—The Administrator shall provide an individual described in paragraph (1) with timely access to any air traffic data in the possession of the Federal Aviation Administration that would facilitate the individual's ability to productively participate in a proceeding relating to an investigation described in such paragraph.

(B) AIR TRAFFIC DATA DEFINED.—As used in subparagraph (A), the term "air traffic data" includes—

(i) relevant air traffic communication tapes;

(ii) radar information;

(iii) air traffic controller statements;

(iv) flight data;

(v) investigative reports; and

(vi) any other air traffic or flight data in the Federal Aviation Administration's possession that would facilitate the individual's ability to productively participate in the proceeding.

(C) GOVERNMENT CONTRACTOR AIR TRAFFIC DATA.—

(i) IN GENERAL.—Any individual described in paragraph (1) is entitled to obtain any air traffic data that would facilitate the individual's ability to productively participate in a proceeding relating to an investigation described in such paragraph from a government contractor that provides operational services to the Federal Aviation Administration, including control towers and flight service stations.

(ii) REQUIRED INFORMATION FROM INDIVIDUAL.—The individual may obtain the information described in clause (i) by submitting a request to the Administrator that—

(I) describes the facility at which such information is located; and

(II) identifies the date on which such information was generated.

(iii) PROVISION OF INFORMATION TO INDIVIDUAL.—If the Administrator receives a request under this subparagraph, the Administrator shall—

(I) request the contractor to provide the requested information; and

(II) upon receiving such information, transmitting the information to the requesting individual in a timely manner.

(5) TIMING.—Except when the Administrator determines that an emergency exists under section 44709(e)(2) or 46105(c), the Administrator may not proceed against an individual that is the subject of an investigation described in paragraph (1) during the 30-day period beginning on the date on which the air traffic data required under paragraph (4) is made available to the individual.

(6) RESPONSE TO LETTER OF INVESTIGATION.—*If an individual decides to respond to a Letter of Investigation described in paragraph (2)(B) such individual may respond not later than 30 days after receipt of such Letter, including providing written comments on the incident to the investigating office.*

(c) AMENDMENTS TO TITLE 49.—

(1) AIRMAN CERTIFICATES.—Section 44703(d)(2) of title 49, United States Code, is amended by striking “but is bound by all validly adopted interpretations of laws and regulations the Administrator carries out unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law”.

(2) AMENDMENTS, MODIFICATIONS, SUSPENSIONS, AND REVOCATIONS OF CERTIFICATES.—Section 44709(d)(3) of such title is amended by striking “but is bound by all validly adopted interpretations of laws and regulations the Administrator carries out and of written agency policy guidance available to the public related to sanctions to be imposed under this section unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law”.

(3) REVOCATION OF AIRMAN CERTIFICATES FOR CONTROLLED SUBSTANCE VIOLATIONS.—Section 44710(d)(1) of such title is amended by striking “but shall be bound by all validly adopted interpretations of laws and regulations the Administrator carries out and of written agency policy guidance available to the public related to sanctions to be imposed under this section unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law”.

(d) APPEAL FROM CERTIFICATE ACTIONS.—

(1) IN GENERAL.—Upon a decision by the National Transportation Safety Board upholding an order or a final decision by the Administrator denying an airman certificate under section 44703(d) of title 49, United States Code, or imposing a punitive civil action or an emergency order of revocation under subsections (d) and (e) of section 44709 of such title, an individual substantially affected by an order of the Board may, at the individual’s election, file an appeal in the United States district

court in which the individual resides or in which the action in question occurred, or in the United States District Court for the District of Columbia. If the individual substantially affected by an order of the Board elects not to file an appeal in a United States district court, the individual may file an appeal in an appropriate United States court of appeals.

(2) EMERGENCY ORDER PENDING JUDICIAL REVIEW.—Subsequent to a decision by the Board to uphold an Administrator's emergency order under section 44709(e)(2) of title 49, United States Code, and absent a stay of the enforcement of that order by the Board, the emergency order of amendment, modification, suspension, or revocation of a certificate shall remain in effect, pending the exhaustion of an appeal to a Federal district court as provided in this Act.

(e) STANDARD OF REVIEW.—

(1) IN GENERAL.—In an appeal filed under subsection (d) in a United States district court, the district court shall give full independent review of a denial, suspension, or revocation ordered by the Administrator, including substantive independent and expedited review of any decision by the Administrator to make such order effective immediately.

(2) EVIDENCE.—A United States district court's review under paragraph (1) shall include in evidence any record of the proceeding before the Administrator and any record of the proceeding before the National Transportation Safety Board, including hearing testimony, transcripts, exhibits, decisions, and briefs submitted by the parties.

(f) RELEASE OF INVESTIGATIVE REPORTS.—

(1) IN GENERAL.—

(A) EMERGENCY ORDERS.—In any proceeding conducted under part 821 of title 49, Code of Federal Regulations, relating to the amendment, modification, suspension, or revocation of an airman certificate, in which the Administrator issues an emergency order under subsections (d) and (e) of section 44709, section 44710, or section 46105(c) of title 49, United States Code, or another order that takes effect immediately, the Administrator shall provide, upon request, to the individual holding the airman certificate the releasable portion of the investigative report at the time the Administrator issues the order. If the complete Report of Investigation is not available at the time of the request, the Administrator shall issue all portions of the report that are available at the time and shall provide the full report not later than 5 days after its completion.

(B) OTHER ORDERS.—In any nonemergency proceeding conducted under part 821 of title 49, Code of Federal Regulations, relating to the amendment, modification, suspension, or revocation of an airman certificate, in which the Administrator notifies the certificate holder of a proposed certificate action under subsections (b) and (c) of section 44709 or section 44710 of title 49, United States Code, the Administrator shall, upon the written request of the covered certificate holder and at any time after that notification, provide to the covered certificate holder the releasable portion of the investigative report.

(2) MOTION FOR DISMISSAL.—If the Administrator does not provide the releasable portions of the investigative report to the individual holding the airman certificate subject to the proceeding referred to in paragraph (1) by the time required by that paragraph, the individual may move to dismiss the complaint of the Administrator or for other relief and, unless the Administrator establishes good cause for the failure to provide the investigative report or for a lack of timeliness, the administrative law judge shall order such relief as the judge considers appropriate.

(3) RELEASABLE PORTION OF INVESTIGATIVE REPORT.—For purposes of paragraph (1), the releasable portion of an investigative report is all information in the report, except for the following:

(A) Information that is privileged.

(B) Information that constitutes work product or reflects internal deliberative process.

(C) Information that would disclose the identity of a confidential source.

(D) Information the disclosure of which is prohibited by any other provision of law.

(E) Information that is not relevant to the subject matter of the proceeding.

(F) Information the Administrator can demonstrate is withheld for good cause.

(G) Sensitive security information, as defined in section 15.5 of title 49, Code of Federal Regulations (or any corresponding similar ruling or regulation).

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent the Administrator from releasing to an individual subject to an investigation described in subsection (b)(1)—

(A) information in addition to the information included in the releasable portion of the investigative report; or

(B) a copy of the investigative report before the Administrator issues a complaint.

* * * * *

SEC. 5. REEXAMINATION OF AN AIRMAN CERTIFICATE.

(a) *IN GENERAL.*—The Administrator shall provide timely, written notification to an individual subject to a reexamination of an airman certificate issued under chapter 447 of title 49, United States Code.

(b) *INFORMATION REQUIRED.*—In providing notification under subsection (a), the Administrator shall inform the individual—

(1) of the nature of the reexamination and the specific activity on which the reexamination is necessitated;

(2) that the reexamination shall occur within 1 year from the date of the notice provided by the Administrator, after which, if the reexamination is not conducted, the airman certificate may be suspended or revoked; and

(3) when, as determined by the Administrator, an oral or written response to the notification from the Administrator is not required.

(c) *EXCEPTION.*—Nothing in this section prohibits the Administrator from reexamining a certificate holder if the Administrator has reasonable grounds—

(1) to establish that an airman may not be qualified to exercise the privileges of a certificate or rating based upon an act or omission committed by the airman while exercising such privileges or performing ancillary duties associated with the exercise of such privileges; or

(2) to demonstrate that the airman obtained such a certificate or rating through fraudulent means or through an examination that was substantially and inadequate to establish the qualifications of an airman.

(d) *STANDARD OF REVIEW.*—An order issued by the Administrator to amend, modify, suspend, or revoke an airman certificate after reexamination of the airman is subject to the standard of review provided for under section 2 of this Act.

**AIRCRAFT CERTIFICATION, SAFETY, AND
ACCOUNTABILITY ACT**

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DIVISION V—AIRCRAFT CERTIFICATION, SAFETY, AND ACCOUNTABILITY

TITLE I—AIRCRAFT CERTIFICATION, SAFETY, AND ACCOUNTABILITY

* * * * *

SEC. 108. INTEGRATED PROJECT TEAMS.

(a) *IN GENERAL.*—Upon receipt of an application for a type certificate for a transport category airplane, the Administrator shall convene an interdisciplinary integrated project team responsible for coordinating review and providing advice and recommendations, as appropriate, to the Administrator on such application.

(b) *MEMBERSHIP.*—In convening an interdisciplinary integrated project team under subsection (a), the Administrator shall appoint employees of the Administration or other Federal agencies, such as the Air Force, Volpe National Transportation Systems Center, or the National Aeronautics and Space Administration (with the concurrence of the head of such other Federal agency), with specialized expertise and experience in the fields of engineering, systems design, human factors, and pilot training, including, at a minimum—

(1) not less than 1 designee of the Associate Administrator for Aviation Safety whose duty station is in the Administration's headquarters;

(2) representatives of the Aircraft Certification Service of the Administration;

(3) representatives of the Flight Standards Service of the Administration;

(4) experts in the fields of human factors, aerodynamics, flight controls, software, and systems design; and

(5) any other subject matter expert whom the Administrator determines appropriate.

(c) AVAILABILITY.—In order to carry out its duties with respect to the areas specified in subsection (d), a project team shall be available to the Administrator, upon request, at any time during the certification process.

(d) DUTIES.—A project team shall advise the Administrator and make written recommendations to the Administrator, to be retained in the certification project file, including recommendations for any plans, analyses, assessments, and reports required to support and document the certification project, in the following areas associated with a new technology or novel design:

(1) Initial review of design proposals proposed by the applicant and the establishment of the certification basis.

(2) Identification of new technology, novel design, or safety critical design features or systems that are potentially catastrophic, either alone or in combination with another failure.

(3) Determination of compliance findings, system safety assessments, and safety critical functions the Administration should retain in terms of new technology, novel design, or safety critical design features or systems.

(4) Evaluation of the Administration's expertise or experience necessary to support the project.

(5) Review and evaluation of an applicant's request for exceptions or exemptions from compliance with airworthiness standards codified in title 14 of the Code of Federal Regulations, as in effect on the date of application for the change.

(6) Conduct of design reviews, procedure evaluations, and training evaluations.

(7) Review of the applicant's final design documentation and other data to evaluate compliance with all relevant Administration regulations.

(e) DOCUMENTATION OF FAA RESPONSE.—The Administrator shall provide a written response to each recommendation of each project team and shall retain such response in the certification project file.

(f) REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter through fiscal year **2023** 2028, the Administrator shall submit to the congressional committees of jurisdiction a report on the establishment of each integrated project team in accordance with this section during such fiscal year, including the role and composition of each such project team.

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SEC. 113. VOLUNTARY SAFETY REPORTING PROGRAM.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Administrator shall establish a voluntary safety reporting program for engineers, safety inspectors, systems safety specialists, and other subject matter experts certified under section 7111 of title 5, United States Code, to confidentially report instances where they have identified safety concerns during certification or oversight processes.

(b) **SAFETY REPORTING PROGRAM REQUIREMENTS.**—In establishing the safety reporting program under subsection (a), the Administrator shall ensure the following:

(1) The FAA maintains a reporting culture that encourages human factors specialists, engineers, flight test pilots, inspectors, and other appropriate FAA employees to voluntarily report safety concerns.

(2) The safety reporting program is non-punitive, confidential, and protects employees from adverse employment actions related to their participation in the program.

(3) The safety reporting program identifies exclusionary criteria for the program.

(4) Collaborative development of the program with bargaining representatives of employees under section 7111 of title 5, United States Code, who are employed in the Aircraft Certification Service or Flight Standards Service of the Administration (or, if unable to reach an agreement collaboratively, the Administrator shall negotiate with the representatives in accordance with section 40122(a) of title 49, United States Code, regarding the development of the program).

(5) Full and collaborative participation in the program by the bargaining representatives of employees described in paragraph (4).

(6) The Administrator thoroughly reviews safety reports to determine whether there is a safety issue, including a hazard, defect, noncompliance, nonconformance, or process error.

(7) The Administrator thoroughly reviews safety reports to determine whether any aircraft certification process contributed to the safety concern being raised.

(8) The creation of a corrective action process in order to address safety issues that are identified through the program.

(c) **OUTCOMES.**—Results of safety report reviews under this section may be used to—

(1) improve—

(A) safety systems, hazard control, and risk reduction;

(B) certification systems;

(C) FAA oversight;

(D) compliance and conformance; and

(E) any other matter determined necessary by the Administrator; and

(2) implement lessons learned.

(d) **REPORT FILING.**—The Administrator shall establish requirements for when in the certification process reports may be filed to—

(1) ensure that identified issues can be addressed in a timely manner; and

(2) foster open dialogue between applicants and FAA employees throughout the certification process.

(e) **INTEGRATION WITH OTHER SAFETY REPORTING PROGRAMS.**—The Administrator shall implement the safety reporting program established under subsection (a) and the reporting requirements established pursuant to subsection (d) in a manner that is consistent with other voluntary safety reporting programs administered by the Administrator.

(f) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this title, and annually thereafter through fiscal year ~~2023~~ 2028, the Administrator shall submit to the congressional committees of jurisdiction a report on the effectiveness of the safety reporting program established under subsection (a).

* * * * *

SEC. 117. CHANGED PRODUCT RULE.

(a) REVIEW AND REEVALUATION OF AMENDED TYPE CERTIFICATES.—

(1) INTERNATIONAL LEADERSHIP.—The Administrator shall exercise leadership in the creation of international policies and standards relating to the issuance of amended type certificates within the Certification Management Team.

(2) REEVALUATION OF AMENDED TYPE CERTIFICATES.—In carrying out this subsection, the Administrator shall—

(A) encourage Certification Management Team members to examine and address any relevant covered recommendations (as defined in section 121(c)) relating to the issuance of amended type certificates;

(B) reevaluate existing assumptions and practices inherent in the amended type certificate process and assess whether such assumptions and practices are valid; and

(C) ensure, to the greatest extent practicable, that Federal regulations relating to the issuance of amended type certificates are harmonized with the regulations of other international states of design.

(b) AMENDED TYPE CERTIFICATE REPORT AND RULEMAKING.—

(1) BRIEFINGS.—Not later than 12 months after the date of enactment of this title, and annually thereafter through fiscal year ~~2023~~ 2028, the Administrator shall brief the congressional committees of jurisdiction on the work and status of the development of such recommendations by the Certification Management Team.

(2) INITIATION OF ACTION.—Not later than 2 years after the date of enactment of this title, the Administrator shall take action to revise and improve the process of issuing amended type certificates in accordance with this section. Such action shall include, at minimum—

(A) initiation of a rulemaking proceeding; and

(B) development or revision of guidance and training materials.

(3) CONTENTS.—In taking actions required under paragraph (2), the Administrator shall do the following:

(A) Ensure that proposed changes to an aircraft are evaluated from an integrated whole aircraft system perspective that examines the integration of proposed changes with existing systems and associated impacts.

(B) Define key terms used for the changed product process under sections 21.19 and 21.101 of title 14, Code of Federal Regulations.

(C) Consider—

(i) the findings and work of the Certification Management Team and other similar international harmonization efforts;

(ii) any relevant covered recommendations (as defined in section 121(c)); and

(iii) whether a fixed time beyond which a type certificate may not be amended would improve aviation safety.

(D) Establish the extent to which the following design characteristics should preclude the issuance of an amended type certificate:

(i) A new or revised flight control system.

(ii) Any substantial changes to aerodynamic stability resulting from a physical change that may require a new or modified software system or control law in order to produce positive and acceptable stability and handling qualities.

(iii) A flight control system or augmented software to maintain aerodynamic stability in any portion of the flight envelope that was not required for a previously certified derivative.

(iv) A change in structural components (other than a stretch or shrink of the fuselage) that results in a change in structural load paths or the magnitude of structural loads attributed to flight maneuvers or cabin pressurization.

(v) A novel or unusual system, component, or other feature whose failure would present a hazardous or catastrophic risk.

(E) Develop objective criteria for helping to determine what constitutes a substantial change and a significant change.

(F) Implement mandatory aircraft-level reviews throughout the certification process to validate the certification basis and assumptions.

(G) Require maintenance of relevant records of agreements between the FAA and an applicant that affect certification documentation and deliverables.

(H) Ensure appropriate documentation of any exception or exemption from airworthiness requirements codified in title 14 of the Code of Federal Regulations, as in effect on the date of application for the change.

(4) GUIDANCE MATERIALS.—The Administrator shall consider the following when developing orders and regulatory guidance, including advisory circulars, where appropriate:

(A) Early FAA involvement and feedback paths in the aircraft certification process to ensure the FAA is aware of changes to design assumptions and product design impacting a changed product assessment.

(B) Presentation to the FAA of new technology, novel design, or safety critical features or systems, initially and throughout the certification process, when development and certification prompt design or compliance method revision.

(C) Examples of key terms used for the changed product process under sections 21.19 and 21.101 of title 14, Code of Federal Regulations.

(D) Type certificate data sheet improvements to accurately state which regulations and amendment level the aircraft complies to and when compliance is limited to a subset of the aircraft.

(E) Policies to guide applicants on proper visibility, clarity, and consistency of key design and compliance information that is submitted for certification, particularly with new design features.

(F) The creation, validation, and implementation of analytical tools appropriate for the analysis of complex system for the FAA and applicants.

(G) Early coordination processes with the FAA for the functional hazard assessments validation and preliminary system safety assessments review.

(5) TRAINING MATERIALS.—The Administrator shall—

(A) develop training materials for establishing the certification basis for changed aeronautical products pursuant to section 21.101 of title 14, Code of Federal Regulations, applications for a new type certificate pursuant to section 21.19 of such title, and the regulatory guidance developed as a result of the rulemaking conducted pursuant to paragraph (2); and

(B) procedures for disseminating such materials to implementing personnel of the FAA, designees, and applicants.

(6) CERTIFICATION MANAGEMENT TEAM DEFINED.—In this section, the term “Certification Management Team” means the team framework under which the FAA, the European Aviation Safety Agency, the Transport Canada Civil Aviation, and the National Civil Aviation Agency of Brazil, manage the technical, policy, certification, manufacturing, export, and continued airworthiness issues common among the 4 authorities.

(7) DEADLINE.—The Administrator shall finalize the actions initiated under paragraph (2) not later than 3 years after the date of enactment of this title.

(c) INTERNATIONAL LEADERSHIP.—The Administrator shall exercise leadership within the ICAO and among other civil aviation regulators representing states of aircraft design to advocate for the adoption of an amended changed product rule on a global basis, consistent with ICAO standards.

* * * * *

SEC. 122. OVERSIGHT OF FAA COMPLIANCE PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this title, the Administrator shall establish an Executive Council within the Administration to oversee the use and effectiveness across program offices of the Administration’s Compliance Program, described in Order 8000.373A dated October 31, 2018.

(b) COMPLIANCE PROGRAM OVERSIGHT.—The Executive Council established under this section shall—

(1) monitor, collect, and analyze data on the use of the Compliance Program across program offices of the Administration, including data on enforcement actions and compliance actions pursued against regulated entities by such program offices;

[(2) conduct an evaluation of the Compliance Program, not less frequently than annually each calendar year through 2023, to assess the functioning and effectiveness of such program in meeting the stated goals and purpose of the program;]

(2) *conduct an annual agency-wide evaluation of the Compliance Program through fiscal year 2028 to assess the functioning and effectiveness of such program and to determine—*

(A) the need for long-term metrics that, to the maximum extent practicable, apply to all program offices to assess the effectiveness of the program;

(B) if the program ensures the highest level of compliance with safety standards; and

(C) if the program has met its stated safety goals and purpose;

(3) provide reports to the Administrator containing the results of any evaluation conducted under paragraph (2), including identifying in such report any nonconformities or deficiencies in the implementation of the program and compliance of regulated entities with safety standards of the Administration;

(4) make recommendations to the Administrator on regulations, guidance, performance standards or metrics, or other controls that should be issued by the Administrator to improve the effectiveness of the Compliance Program in meeting the stated goals and purpose of the program and to ensure the highest levels of aviation safety; and

(5) carry out any other oversight duties with respect to implementation of the Compliance Program and assigned by the Administrator.

(c) EXECUTIVE COUNCIL.—

(1) EXECUTIVE COUNCIL MEMBERSHIP.—The Executive Council shall be comprised of representatives from each program office with regulatory responsibility as provided in Order 8000.373A.

(2) CHAIRPERSON.—The Executive Council shall be chaired by a person, who shall be appointed by the Administrator and shall report directly to the Administrator.

(3) INDEPENDENCE.—The Secretary of Transportation, the Administrator, or any officer or employee of the Administration may not prevent or prohibit the chair of the Executive Council from performing the activities described in this section or from reporting to Congress on such activities.

(4) DURATION.—The Executive Council shall terminate on October 1, [2023] 2028.

(d) ANNUAL BRIEFING.—Each calendar year through [2023] 2028, the chair of the Executive Council shall provide a briefing to the congressional committees of jurisdiction on the effectiveness of the Administration’s Compliance Program in meeting the stated goals and purpose of the program and the activities of the office described in subsection (b), including any reports and recommendations made by the office during the preceding calendar year.

* * * * *

SEC. 131. NATIONAL AIR GRANT FELLOWSHIP PROGRAM.

(a) PROGRAM.—

(1) PROGRAM MAINTENANCE.—The Administrator shall maintain within the FAA a program to be known as the “National Air Grant Fellowship Program”.

(2) PROGRAM ELEMENTS.—The National Air Grant Fellowship Program shall provide support for the fellowship program under subsection (b).

(3) RESPONSIBILITIES OF ADMINISTRATOR.—

(A) GUIDELINES.—The Administrator shall establish guidelines related to the activities and responsibilities of air grant fellowships under subsection (b).

(B) QUALIFICATIONS.—The Administrator shall by regulation prescribe the qualifications required for designation of air grant fellowships under subsection (b).

(C) AUTHORITY.—In order to carry out the provisions of this section, the Administrator may—

(i) appoint, assign the duties, transfer, and fix the compensation of such personnel as may be necessary, in accordance with civil service laws;

(ii) make appointments with respect to temporary and intermittent services to the extent authorized by section 3109 of title 5, United States Code;

(iii) enter into contracts, cooperative agreements, and other transactions without regard to section 6101 of title 41, United States Code;

(iv) notwithstanding section 1342 of title 31, United States Code, accept donations and voluntary and uncompensated services;

(v) accept funds from other Federal departments and agencies, including agencies within the FAA, to pay for and add to activities authorized by this section; and

(vi) promulgate such rules and regulations as may be necessary and appropriate.

(4) DIRECTOR OF NATIONAL AIR GRANT FELLOWSHIP PROGRAM.—

(A) IN GENERAL.—The Administrator shall appoint, as the Director of the National Air Grant Fellowship Program, a qualified individual who has appropriate administrative experience and knowledge or expertise in fields related to aerospace. The Director shall be appointed and compensated, without regard to the provisions of title 5 governing appointments in the competitive service, at a rate payable under section 5376 of title 5, United States Code.

(B) DUTIES.—Subject to the supervision of the Administrator, the Director shall administer the National Air Grant Fellowship Program. In addition to any other duty prescribed by law or assigned by the Administrator, the Director shall—

(i) cooperate with institutions of higher education that offer degrees in fields related to aerospace;

(ii) encourage the participation of graduate and postgraduate students in the National Air Grant Fellowship Program; and

(iii) cooperate and coordinate with other Federal activities in fields related to aerospace.

(b) FELLOWSHIPS.—

(1) IN GENERAL.—The Administrator shall support a program of fellowships for qualified individuals at the graduate and post-graduate level. The fellowships shall be in fields related to aerospace and awarded pursuant to guidelines established by the Administrator. The Administrator shall strive to ensure equal access for minority and economically disadvantaged students to the program carried out under this paragraph.

(2) AEROSPACE POLICY FELLOWSHIP.—

(A) IN GENERAL.—The Administrator shall award aerospace policy fellowships to support the placement of individuals at the graduate level of education in fields related to aerospace in positions with—

(i) the executive branch of the United States Government; and

(ii) the legislative branch of the United States Government.

(B) PLACEMENT PRIORITIES FOR LEGISLATIVE FELLOWSHIPS.—

(i) IN GENERAL.—In considering the placement of individuals receiving a fellowship for a legislative branch position under subparagraph (A)(ii), the Administrator shall give priority to placement of such individuals in the following:

(I) Positions in offices of, or with Members on, committees of Congress that have jurisdiction over the FAA.

(II) Positions in offices of Members of Congress that have a demonstrated interest in aerospace policy.

(ii) EQUITABLE DISTRIBUTION.—In placing fellows in positions described under clause (i), the Administrator shall ensure that placements are equally distributed among the political parties.

(C) DURATION.—A fellowship awarded under this paragraph shall be for a period of not more than 1 year.

(3) RESTRICTION ON USE OF FUNDS.—Amounts available for fellowships under this subsection, including amounts accepted under subsection (a)(3)(C)(v) or appropriated under subsection (d) to carry out this subsection, shall be used only for award of such fellowships and administrative costs of implementing this subsection.

(c) INTERAGENCY COOPERATION.—Each department, agency, or other instrumentality of the Federal Government that is engaged in or concerned with, or that has authority over, matters relating to aerospace—

(1) may, upon a written request from the Administrator, make available, on a reimbursable basis or otherwise, any personnel (with their consent and without prejudice to their position and rating), service, or facility that the Administrator deems necessary to carry out any provision of this section;

(2) shall, upon a written request from the Administrator, furnish any available data or other information that the Adminis-

trator deems necessary to carry out any provision of this section; and

(3) shall cooperate with the FAA and duly authorized officials thereof.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator \$15,000,000 for each of [fiscal years 2021 through 2025] *fiscal years 2023 through 2028* to carry out this section. Amounts appropriated under the preceding sentence shall remain available until expended.

(e) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term “Director” means the Director of the National Air Grant Fellowship Program, appointed pursuant to subsection (a)(4).

(2) FIELDS RELATED TO AEROSPACE.—The term “fields related to aerospace” means any discipline or field that is concerned with, or likely to improve, the development, assessment, operation, safety, or repair of aircraft and other airborne objects and systems, including the following:

- (A) Aerospace engineering.
- (B) Aerospace physiology.
- (C) Aeronautical engineering.
- (D) Airworthiness engineering.
- (E) Electrical engineering.
- (F) Human factors.
- (G) Software engineering.
- (H) Systems engineering.

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ADVANCED AIR MOBILITY COORDINATION AND LEADERSHIP ACT

* * * * *

SEC. 2. ADVANCED AIR MOBILITY WORKING GROUP.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Transportation shall establish an advanced air mobility interagency working group (in this section referred to as the “working group”).

(b) PURPOSE.—Advanced Air Mobility represents a key area of sustainable transportation and economic growth for the United States and it is imperative that the Federal Government foster leadership and interagency collaboration in the adoption and deployment of this technology. The purpose of the working group established under this section shall be to plan for and coordinate efforts related to safety, operations, infrastructure, physical security and cybersecurity, and Federal investment necessary for maturation of the AAM ecosystem in the United States[, particularly passenger-carrying aircraft,] in order to—

- (1) grow new transportation options;
- (2) amplify economic activity and jobs;
- (3) advance environmental sustainability and new technologies; and
- (4) support emergency preparedness and competitiveness.

(c) MEMBERSHIP.—Not later than 60 days after the establishment of the working group under subsection (a), the Secretary of Transportation shall—

(1) appoint the Under Secretary of Transportation for Policy to chair the working group;

(2) designate not less than 1 additional representative to participate on the working group from each of—

(A) the Department of Transportation; and

(B) the Federal Aviation Administration; and

(3) invite the heads of each of the following departments or agencies to designate not less than 1 representative to participate on the working group, including—

(A) the National Aeronautics and Space Administration;

(B) the Department of Commerce;

(C) the Department of Defense;

(D) the Department of Energy;

(E) the Department of Homeland Security;

(F) the Department of Agriculture;

(G) the Department of Labor;

(H) the Federal Communications Commission; and

(I) such other departments or agencies as the Secretary of Transportation determines appropriate.

(d) COORDINATION.—

(1) IN GENERAL.—The working group shall engage with State, local, and Tribal governments, aviation industry and labor stakeholders, stakeholder associations, and others determined appropriate by the Secretary of Transportation and the Administrator of the Federal Aviation Administration, including—

(A) manufacturers of aircraft, avionics, propulsion systems, structures, and air traffic management systems;

(B) commercial air carriers, commercial operators, unmanned aircraft system operators, and general aviation operators, including helicopter operators;

(C) intended operators of AAM aircraft;

[(D) airports, heliports, fixed-base operators;]

(D) operators of airports, heliports, and vertiports, and fixed-base operators;

(E) certified labor representatives for pilots associations, air traffic control specialists employed by the Federal Aviation Administration, aircraft mechanics, and aviation safety inspectors;

(F) State, local, and Tribal officials or public agencies, with representation from both urban and rural areas;

(G) first responders;

(H) groups representing environmental interests;

(I) electric utilities, energy providers and energy market operators;

(J) academia with experience working with industry on new technology and commercialization;

(K) groups representing the telecommunications industry; and

(L) aviation training and maintenance providers.

(2) ADVISORY COMMITTEES.—The Secretary of Transportation and Administrator of the Federal Aviation Administration may

use such Federal advisory committees as may be appropriate to coordinate with the entities listed in paragraph (1).

(e) REVIEW AND EXAMINATION.—Not later than **[1 year]** 18 months after the working group is established under subsection (a), the working group shall complete a review and examination of, at a minimum—

(1) the steps that will mature AAM aircraft operations, concepts, and regulatory frameworks beyond initial operations;

(2) the air traffic management and safety concepts that might be considered as part of evolving AAM to higher levels of traffic density;

(3) current Federal programs and policies that could be leveraged to advance the maturation of the AAM industry *or that may impede maturation*;

(4) infrastructure, including aviation, cybersecurity, telecommunication, multimodal, and utility infrastructure, necessary to accommodate and support expanded operations of AAM after initial implementation;

(5) steps needed to ensure a robust and secure domestic supply chain;

(6) anticipated benefits associated with AAM aircraft operations, including economic, environmental, emergency and natural disaster response, and transportation benefits;

(7) the interests, roles, and responsibilities of Federal, State, local, and Tribal governments affected by AAM aircraft operations; **[and]**

(8) other factors that may limit the full potential of the AAM industry, including community acceptance or restrictions of such operations**[.]**; *and*

(9) *processes and programs that can be leveraged to improve the efficiency of Federal reviews required for infrastructure development, including for electrical capacity projects.*

(f) AAM NATIONAL STRATEGY.—Based on the review and examination performed under subsection (e), the working group shall develop an AAM National Strategy that includes—

(1) recommendations regarding the safety, operations, security, infrastructure, air traffic concepts, and other Federal investment or actions **[necessary to support the evolution of early]** *that would allow for—*

(A) *the timely entry into service of AAM after aircraft and operator certification; and*

(B) *the evolution of early AAM to higher levels of activity and societal benefit; and*

(2) a comprehensive plan detailing the roles and responsibilities of each Federal department and agency, and of State, local, and Tribal governments, necessary to facilitate or implement the recommendations developed under paragraph (1).

(g) REPORT.—Not later than 180 days after the completion of the review and examination performed under subsection (e), the **[working group]** *Secretary of Transportation* shall submit to the appropriate committees of Congress a report—

(1) detailing findings from the review and examination performed under subsection (e); **[and]**

(2) *summarizing any dissenting views and opinions of a participant of the working group described in subsection (c)(3); and*

[(2)] (3) providing the AAM National Strategy, including the plan and associated recommendations developed under subsection (f).

(h) EVALUATION OF TERMINATION OF WORKING GROUP.—Not later than 30 days after the date on which the working group submits the report required under subsection (g), the Secretary of Transportation shall evaluate and decide whether to terminate the working group and shall notify the appropriate committees of Congress of such decision.

(i) CONSIDERATIONS FOR TERMINATION OF WORKING GROUP.—*In deciding whether to terminate the working group under subsection (h), the Secretary and the Administrator of the Federal Aviation Administration shall consider other interagency coordination activities associated with AAM, or other new or novel users of the national airspace system, that could benefit from continued wider interagency coordination.*

[(i)] (j) DEFINITIONS.—For purposes of this section and section 3:

(1) ADVANCED AIR MOBILITY; AAM.—The terms “advanced air mobility” and “AAM” mean a transportation system [that transports people and property by air between two points in the United States using aircraft with advanced technologies, including electric aircraft or electric vertical take-off and landing aircraft,] *comprised of urban air mobility and regional air mobility using manned or unmanned aircraft* in both controlled and uncontrolled airspace.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

(3) ELECTRIC AIRCRAFT.—The term “electric aircraft” means an aircraft with a fully electric or hybrid (fuel and electric) driven propulsion system used for flight.

(4) FIXED-BASE OPERATOR.—The term “fixed-base operator” means a business granted the right by an airport sponsor or heliport sponsor to operate on an airport or heliport and provide aeronautical services, including fueling and charging, aircraft hangaring, tiedown and parking, aircraft rental, aircraft maintenance, and flight instruction.

(5) POWERED-LIFT AIRCRAFT.—*The term “powered-lift aircraft” has the meaning given the term “powered-lift” in section 1.1 of title 14, Code of Federal Regulations.*

(6) REGIONAL AIR MOBILITY.—*The term “regional air mobility” means the movement of people or property by air between 2 points using an airworthy aircraft that—*

(A) *has advanced technologies, such as distributed propulsion, vertical take-off and landing, powered-lift, non-traditional power systems, or autonomous technologies;*

(B) *has a maximum takeoff weight of greater than 1,320 pounds; and*

(C) *is not urban air mobility.*

[(5)] (7) STATE.—The term “State” has the meaning given such term in section 47102 of title 49, United States Code.

(8) *URBAN AIR MOBILITY.*—The term “urban air mobility” means the movement of people or property by air between 2 intracity or intercity points using an airworthy aircraft that—

(A) advanced technologies, such as distributed propulsion, vertical take-off and landing, powered-lift, nontraditional power systems, or autonomous technologies; and

(B) a maximum takeoff weight of greater than 1,320 pounds.

[(6)] (9) *VERTICAL TAKE-OFF AND LANDING.*—The term “vertical take-off and landing” means an aircraft with lift/thrust units used to generate powered lift and control and with two or more lift/thrust units used to provide lift during vertical take-off or landing.

(10) *VERTIPORT.*—The term “vertiport” has the meaning given such term in section 47102 of title 49, United States Code.

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SECTION 101 OF DIVISION Q OF THE CONSOLIDATED APPROPRIATIONS ACT, 2023

SEC. 101. ADVANCED AIR MOBILITY INFRASTRUCTURE PILOT PROGRAM.

(a) *ESTABLISHMENT.*—Not later than 180 days after the date of enactment of this section, the Secretary shall establish a pilot program to provide grants that assist an eligible entity to plan for the development and deployment of infrastructure necessary to facilitate AAM operations, locally and regionally, within the United States.

(b) *PLANNING GRANTS.*—

(1) *IN GENERAL.*—The Secretary shall provide grants to eligible entities to develop comprehensive plans under paragraph (2) related to AAM infrastructure.

(2) *COMPREHENSIVE PLAN.*—

(A) *IN GENERAL.*—Not later than 1 year after receiving a grant under this subsection, an eligible entity shall submit to the Secretary a comprehensive plan, including the development of potential public use or private-owned vertiport infrastructure, *as well as the use of existing airport and heliport infrastructure that may require modifications to safely accommodate AAM operations,*, in a format capable of being published on the website of the Department of Transportation.

(B) *PLAN CONTENTS.*—The Secretary shall establish content requirements for comprehensive plans submitted under this subsection, which shall include as many of the following as possible:

(i) The identification of planned or potential public use and private-owned vertiport locations.

(ii) A description of infrastructure necessary to support AAM operations.

(iii) A description of types of planned or potential AAM operations and a forecast for proposed [vertiport] locations for operations, including estimates for initial operations and future growth.

(iv) The identification of physical and digital infrastructure required to meet any standards *and guidance* for vertiport design and performance characteristics established by the Federal Aviation Administration (as in effect on the date on which the Secretary issues a grant to an eligible entity), including modifications to existing infrastructure and ground sensors, electric charging or other fueling requirements, electric utility requirements, wireless and cybersecurity requirements, fire safety, perimeter security, and other necessary hardware or software.

(v) A description of any hazard associated with planned or potential [vertiport infrastructure] *urban air mobility and regional air mobility operations*, such as handling of hazardous materials, batteries, or other fuel cells, charging or fueling of aircraft, aircraft rescue and firefighting response, and emergency planning.

(vi) A description of potential environmental effects of planned or potential construction or siting of vertiports, including efforts to reduce potential aviation noise.

(vii) A description of how planned or potential vertiport locations, including new or repurposed infrastructure, fit into State and local transportation systems and networks, including—

(I) connectivity to existing public transportation hubs and intermodal and multimodal facilities for AAM operations;

(II) opportunities to create new service to rural areas and areas underserved by air transportation; or

(III) any potential conflict with existing aviation infrastructure that may arise from the planned or potential location of the vertiport.

(viii) A description of how vertiport planning will be incorporated in State or metropolitan planning documents.

(ix) The identification of the process an eligible entity will undertake to ensure an adequate level of engagement with any potentially impacted community for each planned or potential vertiport location and planned or potential AAM operations, such as engagement with communities in rural areas, underserved communities, Tribal communities, individuals with disabilities, or racial and ethnic minorities to address equity of access.

(x) The identification of State, local, or private sources of funding an eligible entity may use to assist with the construction or operation of a vertiport *or the modification of existing aviation infrastructure*.

(xi) The identification of existing Federal aeronautical and airspace requirements that must be met for the eligible entity's planned or potential vertiport location.

(xii) The identification of the actions necessary for an eligible entity to undertake the construction of a vertiport, such as planning studies to assess existing infrastructure, environmental studies, studies of projected economic benefit to the community, lease or acquisition of an easement or land for new infrastructure, and activities related to other capital costs.

(3) APPLICATION.—To apply for a grant under this subsection, an eligible entity shall provide to the Secretary an application in such form, at such time, and containing such information as the Secretary may require.

(4) SELECTION.—

(A) IN GENERAL.—In awarding grants under this subsection, the Secretary shall consider the following:

- (i) Geographic diversity.
- (ii) Diversity of the proposed models of infrastructure financing and management.
- (iii) Diversity of proposed or planned AAM operations.
- (iv) The need for comprehensive plans that—
 - (I) ensure the safe and efficient integration of AAM operations into the National Airspace System;
 - (II) improve transportation safety, connectivity, access, and equity in both rural and urban regions in the United States;
 - (III) leverage existing public transportation systems and intermodal and multimodal facilities;
 - (IV) reduce surface congestion and the environmental impacts of transportation;
 - (V) grow the economy and create jobs in the United States; and
 - (VI) encourage community engagement when planning for AAM-related infrastructure.

(B) PRIORITY.—The Secretary shall prioritize awarding grants under this subsection to eligible entities that collaborate with commercial AAM entities, institutions of higher education, research institutions, or other relevant stakeholders to develop and prepare a comprehensive plan.

(C) MINIMUM ALLOCATION TO RURAL AREAS.—The Secretary shall ensure that not less than 20 percent of the amounts made available under subsection (c) are used to award grants to eligible entities that submit a comprehensive plan under paragraph (2) that is related to infrastructure located in a rural area.

(5) GRANT AMOUNT.—Each grant made under this subsection shall be made in an amount that is not more than \$1,000,000.

(6) BRIEFING.—

(A) IN GENERAL.—Not later than 180 days after the first comprehensive plan is submitted under paragraph (2), and every 180 days thereafter through September 30, 2025, the Secretary shall provide a briefing to the appropriate committees of Congress on the comprehensive plans submitted to the Secretary under such paragraph.

(B) CONTENTS.—The briefing required under subparagraph (A) shall include—

(i) an evaluation of all planned or potential vertiport locations included in the comprehensive plans submitted under paragraph (2) and how such planned or potential vertiport locations may fit into the overall United States transportation system and network; **[and]**

(ii) a description of lessons or best practices learned through the review of comprehensive plans and how the Secretary will incorporate any such lessons or best practices into Federal standards or guidance for the design and operation of AAM infrastructure and facilities**[.]**; and

(iii) a description of—

(I) initial community engagement efforts and responses from the public on the planning and development efforts of eligible entities related to urban air mobility and regional air mobility operations;

(II) how eligible entities are planning for and encouraging early adoption of urban air mobility and regional air mobility operations;

(III) what role each level of government plays in the process; and

(IV) whether such entities recommend specific regulatory or guidance actions be taken by the Secretary of Transportation or other Federal agencies in order to support such early adoption.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There are authorized to be appropriated to the Secretary to carry out this section \$12,500,000 for each of fiscal **[years 2023 and 2024]** *years 2023 through 2026*, to remain available until expended *out of funds made available under section 106(k) of title 49, United States Code.*

(2) ADMINISTRATIVE EXPENSES.—Of the amounts made available under paragraph (1), the Secretary may retain up to 1 percent for personnel, contracting, and other costs to establish and administer the pilot program under this section.

(d) TERMINATION.—

(1) IN GENERAL.—No grant may be awarded under this section after September 30, **[2024]** *2026*.

(2) CONTINUED FUNDING.—Funds authorized to be appropriated pursuant to subsection (c) may be expended after September 30, **[2024]** *2026*—

(A) for grants awarded prior to September 30, **[2024]** *2026*; and

(B) for administrative expenses.

(e) DEFINITIONS.—In this section:

[(1) ADVANCED AIR MOBILITY; AAM.—The terms “advanced air mobility” and “AAM” have the meaning given such terms in section 2(i) of the Advanced Air Mobility Coordination and Leadership Act (49 U.S.C. 40101 note).]

(1) ADVANCED AIR MOBILITY; AAM; REGIONAL AIR MOBILITY; URBAN AIR MOBILITY; VERTIPOINT.—The terms “advanced air mobility”, “AAM”, “regional air mobility”, “urban air mobility”,

and “vertiport” have the meaning given such terms in section 2(j) of the Advanced Air Mobility Coordination and Leadership Act (49 U.S.C. 40101 note).

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(3) COMMERCIAL AAM ENTITIES.—The term “commercial AAM entities” means—

(A) manufacturers of aircraft, avionics, propulsion systems, and air traffic management systems related to AAM;

(B) intended commercial operators of AAM aircraft and systems; and

(C) intended commercial operators and developers of vertiports.

(4) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a State, local, or Tribal government, including a political subdivision thereof;

(B) an airport sponsor;

(C) a transit agency;

(D) a port authority;

(E) a metropolitan planning organization; or

(F) any combination or consortium of the entities described in subparagraphs (A) through (E).

(5) METROPOLITAN PLANNING ORGANIZATION.—The term “metropolitan planning organization” has the meaning given such term in section 5303(b) of title 49, United States Code.

(6) RURAL AREA.—The term “rural area” means an area located outside a metropolitan statistical area (as designated by the Office of Management and Budget).

(7) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(8) STATE.—The term “State” means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, the Northern Mariana Islands, and Guam.

[(9) VERTIPORT.—The term “vertiport” means a designated location used or intended to be used to support AAM operations, including the landing, take-off, loading, taxiing, parking, and storage of aircraft developed for AAM operations.

[(10) VERTICAL TAKE-OFF AND LANDING AIRCRAFT.—The term “vertical take-off and landing aircraft” has the meaning given such term in section 2(i) of the Advanced Air Mobility Coordination and Leadership Act (49 U.S.C. 40101 note).]

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed as conferring upon any person, State, local, or Tribal government the authority to determine the safety of any AAM operation or the feasibility of simultaneous operations by AAM and conventional aircraft within any given area of the national airspace system.

**SECTION 352 OF THE CONSOLIDATED APPROPRIATIONS
RESOLUTION, 2003**

SEC. 352. FAA NOTICE TO AIRMEN FDC 2/0199. (a) IN GENERAL.—
The Secretary of Transportation—

(1) shall maintain in full force and effect, for a period of 1 year after the date of enactment of this Act, the restrictions imposed under Federal Aviation Administration Notice to Airmen FDC 2/0199 and the restrictions that had been in effect on September 26, 2002 and that were imposed under local Notices to Airmen based on or derived from Notice to Airmen FDC 1/3353;

(2) shall rescind immediately any waivers or exemptions from those restrictions that are in effect on the date of enactment of this Act; and

(3) may not grant any waivers or exemptions from those restrictions, except—

(A) as authorized by air traffic control for operational or safety purposes;

(B) for operational purposes of an event, stadium, or other venue, including (in the case of a sporting event) equipment or parts, transport of team members, officials of the governing body and immediate family members and guests (*or attendees approved by*) of such teams and officials to and from the event, stadium, or other venue;

(C) for broadcast coverage for any broadcast rights holder;

(D) for safety and security purposes of the event, stadium, or other venue; or

(E) to operate an aircraft in restricted airspace to the extent necessary to arrive at or depart from an airport using standard air traffic procedures.

(b) WAIVERS.—Beginning no earlier than 1 year after the date of enactment of this Act, the Secretary may modify or terminate such restrictions, or issue waivers or exemptions from such restrictions, if the Secretary promulgates, after public notice and an opportunity for comment, a rule setting forth the standards under which the Secretary may grant a waiver or exemption. Such standards shall provide a level of security at least equivalent to that provided by the waiver policy applied by the Secretary as of the date of enactment of this Act.

(c) FUNDING LIMITATION.—Unless and until the Secretary promulgates a rule in accordance with subsection (b) above, none of the funds made available in this Act or any other Act may be used to terminate or limit the restrictions described in paragraph (a)(1) above or to grant waivers of, or exemptions from, such restrictions except as provided in paragraph (a)(3) above.

(d) BROADCAST CONTRACTS NOT AFFECTED.—Nothing in this section shall be construed to affect contractual rights pertaining to any broadcasting agreement.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

TITLE I—DEPARTMENT OF TRANSPORTATION

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DEPARTMENT OF TRANSPORTATION

* * * * *

FEDERAL AVIATION ADMINISTRATION

* * * * *

ADMINISTRATIVE SERVICES FRANCHISE FUND

There is hereby established in the Treasury a fund, to be available without fiscal year limitation, for the costs of capitalizing and operating such administrative services as the FAA Administrator determines may be performed more advantageously as centralized services, including accounting, international training, payroll, travel, duplicating, multimedia and information technology services: *Provided*, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made prior to the current year for the purpose of providing capital shall be used to capitalize such fund: *Provided further*, That such fund [shall be paid in advance] *may be reimbursed after performance or paid in advance* from funds available to the FAA and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of Automated Data Processing (ADP) software and systems (either required or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the FAA Administrator: *Provided further*, That such fund shall provide services on a competitive basis: *Provided further*, That an amount not to exceed four percent of the total annual income to such fund may be retained in the fund for fiscal year 1997 and each year thereafter, to remain available until expended, to be used for the acquisition of capital equipment and for the improvement and implementation of FAA financial management, ADP, and support systems: *Provided further*, That no later than thirty days after the end of each fiscal year, amounts in excess of this reserve limitation shall be transferred to miscellaneous receipts in the Treasury.

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NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS ACT OF 2000

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[SEC. 9. TRAVEL BUDGETS.

[The Chairman of the National Transportation Safety Board shall establish annual fiscal year budgets for non-accident-related

travel expenditures for Board members which shall be approved by the Board and submitted to the Senate Committee on Commerce, Science, and Transportation and to the House of Representatives Committee on Transportation and Infrastructure together with an annual report detailing the non-accident-related travel of each Board member. The report shall include separate accounting for foreign and domestic travel, including any personnel or other expenses associated with that travel.】

* * * * *

FRANK D. LUCAS, Oklahoma
CHAIRMAN

COMMITTEE CORRESPONDENCE

ZOE LOFGREN, California
RANKING MEMBERCongress of the United States
House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6371
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July 6, 2023

The Honorable Sam Graves
Chairman
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing concerning H.R. 3935, the "Securing Growth and Robust Leadership in American Aviation Act," which was introduced on June 9, 2023.

H.R. 3935 contains provisions within the Committee on Science, Space, and Technology's Rule X jurisdiction. As a result of your having consulted with the Committee and to expedite this bill for floor consideration, the Committee on Science, Space, and Technology will forego action on the bill. This is done based on our mutual understanding that doing so will in no way diminish or alter the jurisdiction of the Committee on Science, Space, and Technology nor is it a waiver of any future jurisdictional claim over subject matter contained in this bill or in similar legislation.

I would appreciate your response to this letter confirming this understanding and would request that you include a copy of this letter and your response in the committee report and in the *Congressional Record* during the floor consideration of this bill. Finally, I ask that you support the appointment of Science Committee conferees during any House-Senate conference convened on this legislation. Thank you in advance for your cooperation.

Sincerely,



Frank D. Lucas
Chairman

cc: The Honorable Kevin McCarthy
The Honorable Rick Larsen
The Honorable Zoe Lofgren
Mr. Jason Smith, Parliamentarian

755



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Sam Graves
Chairman

Jack Ruddy, Staff Director

Rick Larsen
Ranking Member

Katherine W. Detrick, Democratic Staff Director

July 7, 2023

The Honorable Frank D. Lucas
Chairman
Committee on Science, Space, and Technology
United States House of Representatives
2321 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Lucas:

I write to you concerning H.R. 3935, the *Securing Growth and Robust Leadership in American Aviation Act*, which was introduced on June 9, 2023, and solely referred to the Committee on Transportation and Infrastructure.

I appreciate you agreeing to withdraw your request for a sequential referral of H.R. 3935, so that the bill may be considered expeditiously. I acknowledge that forgoing your referral claim now does not waive the right to jurisdictional claims in the future on subject matter contained in this bill or similar legislation. Further, I will appropriately consult and involve the Committee on Science, Space, and Technology as the bill moves forward on issues that fall within your Rule X jurisdiction. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Science, Space, and Technology represented on the conference committee.

Finally, I will include a copy of our letter exchange in the Committee Report and the *Congressional Record* when the bill is considered on the House floor.

Thank you again for your cooperation.

Sincerely,

Sam Graves
Chairman
Committee on Transportation
and Infrastructure

Chairman Frank Lucas
July 7, 2023
Page 2 of 2

cc: The Honorable Kevin McCarthy, Speaker
The Honorable Rick Larsen, Ranking Member, Committee on Transportation and
Infrastructure
The Honorable Zoe Lofgren, Ranking Member, Committee on Science, Space, and
Technology
Mr. Jason Smith, Parliamentarian

